



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, WEDNESDAY, FEBRUARY 4, 2015

No. 19

## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Spirit of God, descend on our hearts, for apart from You, life is a tale full of sound and fury signifying nothing.

May our Senators walk in Your ways, keeping Your precepts with such integrity that they will honor You. Lord, incline their hearts to Your wisdom, providing them with the understanding they need to accomplish Your purpose in our world. Let Your mercy protect them from the dangers of this life as they learn to find delight in Your commandments. Keep them ever mindful of the brevity of their days and the greatness of their work.

We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. PAUL). The majority leader is recognized.

### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.R. 240.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 5, H.R. 240, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

Mr. MCCONNELL. Mr. President, it was good to see the new Senate come together and pass another bipartisan bill yesterday. It was a win for our Nation's heroes. It was yet another win for the American people. But that was only one of the votes we took because just hours after joining Republicans to do something good for our veterans, Democrats voted to block funding for the Department of Homeland Security. It was enough to give anyone whiplash.

Now Americans are wondering, what could possibly lead Democrats to filibuster Homeland Security funding? The legislation Democrats are filibustering would fund the Department of Homeland Security. It would also protect American democracy from overreach, described by President Obama as "unwise and unfair." That is it. You would think that a bill such as this would pass overwhelmingly. You would think that at least the Democrats would allow the Senate an opportunity to improve the bill if it needs to be improved. But Democrats voted to filibuster the bill outright. They prevented the legislation from even being debated.

Today's Democratic Party seems willing to go to any extreme to protect the kind of Executive overreach President Obama once described as "not how our democracy functions." It would go so far as to block Homeland Security funding and to give the President the opportunity to continue to do what he is doing.

The whole situation is a bit perplexing given what some of our colleagues said just a few weeks ago, given what they said about the overreach President Obama referred to as "ignoring the law." One Democratic Senator said that "the President shouldn't make such significant policy changes on his own." Another Senator

claimed he was "concerned about the constitutional separation of powers." He said, "The Constitution doesn't say if the Congress fails to act then the President can do x, y, and z. It just doesn't." A third Democratic Senator had this to say of the President's plan for overreach: "It makes me uncomfortable." Yet all of these Senators voted to shut down debate and block funding for the Department of Homeland Security. Every last Democrat voted to filibuster rather than work across the aisle to address the very issue they claim to be concerned about.

Perhaps today's Democratic Party is so devoted to the right of politicians to engage in action that would, as the President seemed to imply, "violate the law," that it cannot tolerate dissent. But that is no reason to shut down the Department of Homeland Security. That is no reason to prevent the Senate from even debating whether to fund the Department.

So the Democrats' Homeland Security filibuster needs to end now. Democratic Senators who say they are serious about keeping our Nation safe and addressing what President Obama acknowledged as "unwise and unfair" overreach need to prove it.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The assistant Democratic leader is recognized.

Mr. DURBIN. Mr. President, yesterday we were informed of another barbaric act by ISIS—literally burning a Jordanian pilot to death in a cage. This follows news reports of beheadings of Japanese citizens, Americans, and so many others. It is an indication of the threat not just to the Middle East but to the world of terrorism in its extreme, as ISIS demonstrates on a regular basis.

It was ironic that the same day we learned this, I visited the Department of Homeland Security and met with the Secretary, Jeh Johnson, and talked about the political strategy of the Republicans when it comes to funding the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Department of Homeland Security—the same Department that is responsible for keeping America safe from the threat of terrorism.

You see, the Presiding Officer knows well that when we were here in December passing an omnibus appropriations bill, the House Republicans insisted that one agency be singled out and not properly funded, one agency of our government: the Department of Homeland Security. They funded every other agency of the government to September 30 of this year in a regular appropriations process but refused—the Republicans refused to fund the Department of Homeland Security. Why? They wanted to reserve the right to fight with the President over the issue of immigration. They wanted to reserve the right to object to any Executive action taken by the President related to immigration. Their forum for this objection? The appropriations for the Department of Homeland Security.

Yesterday Secretary Johnson came to our Democratic caucus lunch to explain what it was like to manage a department of our government under a continuing resolution. That is the technical name in our Budget Act for temporary funding. He said it was like driving a car with a gas tank that only held 5 gallons of gasoline and not being sure where the next service station was going to turn up. He said: That is how I am called on now to run the Department of Homeland Security—the Department that we entrust more than any other to keep us safe from terrorism.

Why? Why would the Republicans choose this Department to single out and not properly fund? At a time when we are facing threats of ghastly terrorism in this world that we have not seen, why would the Republicans insist on making the appropriations for the Department of Homeland Security the forum for their debate with President Obama?

Now the Senator from Kentucky, our majority leader, comes to the floor and says: Well, yesterday the Democrats refused to vote to fund the Department of Homeland Security.

I will make a point for the record here that when the majority leader turns to page 12 of the publication sitting on his desk, the Calendar of Business of the Senate, when he turns to page 12, he should look at line 7 on page 12 of the Calendar of Business of the Senate, and there he will find S. 272, introduced by Senator JEANNE SHAHEEN of New Hampshire and Senator MIKULSKI of Maryland.

Let me read what S. 272 is:

A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

Read the second time and placed on the calendar on January 28.

This bill will fund the Department of Homeland Security. This bill is a clean appropriations bill.

If you look at the bill Senator MCCONNELL and others have brought to

the floor for funding the Department of Homeland Security—I invite the Senator from Kentucky and those who are interested in debate to turn to page 55. Start reading on page 55 the general provisions that were sent to us by the House of Representatives—page after page of riders and restrictions on the appropriations for the Department of Homeland Security.

You see, the House of Representatives said: We will only fund the Department of Homeland Security if we can have our way when it comes to these restrictions on how they spend money.

Well, what is it that is so important to the House Republicans and Senate Republicans that they are willing to risk funding of the Department of Homeland Security? What is it that is holding them up from putting the resources in the hands of Secretary Johnson and this Department that they need to keep America safe? It must be something that is momentous, historic. What is the reason they are taking a stand and leaving America vulnerable? Well, the Republicans clearly must have something that they think is even more threatening to the United States than terrorism. What could it be? Well, it turns out we know, because of riders attached by the House of Representatives. The Republicans in Congress are more fearful of a group known as the DREAMers than they obviously are of the threat of terrorism from these extreme groups.

Who are these DREAMers? Well, I know this issue better than some. Fourteen years ago it came to my attention that there was a serious miscarriage of justice taking place in the United States. It turns out that children brought to our country by their parents who were undocumented literally had no country. They grew up in America. They went to school in America. They lived in America. They considered themselves Americans. They pledged allegiance to our flag in their classrooms. They sang our national anthem. They dreamed of their future, only to learn when they were still children that that opportunity was not there for them. You see, they were undocumented. Their parents brought them to America, never filed any papers, and they were undocumented.

It did not seem right to me at the time that a young person—a toddler, an infant—brought to this country would be paying this heavy price with their lives because of any wrongdoing by their parents. So I introduced a bill, the DREAM Act, at the time cosponsored by Senator HATCH of Utah. We said in that bill: If you were brought to America as a child and your parents brought you here and did not file the papers or left you in an undocumented state, but you lived in America, did nothing wrong in America, graduated from high school in America, we would give you a chance. We would give you a chance to step forward if you were willing to either serve in our military

or go to college and put you on a path to legalization. That was the DREAM Act. It was introduced 14 years ago. It has never become the law of the land.

In that period of time, of course, thousands of young people have found themselves in this predicament. It was 2½ years ago when I joined 20 other Senators and wrote to President Obama and said: Can you consider an Executive order that would protect these DREAMers from deportation so that they can live in America? And the President, 2½ years ago, did. It was known as DACA, and this program said to these young people, this is your chance. Come forward, register, go through a criminal background check, prove you graduated from high school, and the President, 2½ years ago, said: We won't deport you.

We estimate 2 million young people would be eligible. Six hundred thousand have stepped forward and have been given this protection from deportation.

This is the program that has led the Republicans in the House and Senate to threaten funding for the Department of Homeland Security. The very thought that these young people could stay in America, live in America without fear of deportation, work in America, go to school in America, is so reprehensible to the Republicans in the House and Senate, they are prepared to jeopardize the funding for the Department of Homeland Security, which protects America.

I have come to the floor on more than 50 occasions to tell the story of these DREAMers, which I will do again this morning.

I ask my Republican colleagues in the House and the Senate to listen to the story of a DREAMer and tell me: Do you believe the person I am about to describe should be deported from America?

His name is Pablo da Silva. He was brought here from Brazil in 2001 when he was 13 years old. Pablo grew up in New Jersey. This is what he said about his childhood:

The same as every other kid growing up in the U.S., I attended middle school, pledged allegiance to the American flag, and sang the National Anthem. As I grew older, I came to understand that one thing about me differed from my classmates. I was undocumented. However, my parents always taught me to see barriers as a measure of perseverance and an opportunity to thrive.

Pablo's dream was to become a doctor. During high school and college, he volunteered at nursing homes every week. He was a member of a group called Doctor Red Nose. That is where he and others would dress up like clowns visiting hospitals and nursing homes to cheer up the patients and health care providers.

Pablo was accepted at Rutgers University, one of our Nation's best. But because Pablo was undocumented, he didn't qualify for any financial assistance. He would have had to pay out-of-State tuition. So he couldn't afford Rutgers. Pablo enrolled in a community college. Because he had taken

community college courses when he was in high school, Pablo was able to complete a 2-year associate's degree in only 1 year.

With an associate's degree in hand, Pablo was able to transfer to Kean University in New Jersey. In 2011, Pablo da Silva graduated at the top of his class with a major in biology, *summa cum laude*. He received an award for the highest grade point average in the biology department. He was on the dean's list every semester of college and a member of the honor society Phi Kappa Phi.

Remember, this is the person whom the Republicans in the House and the Senate want to deport from the United States and refuse to fund the Department of Homeland Security until this DREAMer is deported.

After graduating from college, Pablo da Silva was unable to pursue his dream of becoming a doctor. He couldn't go to medical school as an undocumented person, so he worked in a variety of manual labor jobs.

In 2012, President Obama established DACA, and then Pablo heard something amazing. Loyola University of Chicago was prepared to accept students who had received DACA into its medical school.

Like many States across the country, Illinois has a shortage of physicians in inner city and rural areas. Loyola University's DACA Program is an opportunity to address this problem.

The State of Illinois has created a DACA loan program. Under this program, Loyola's DACA medical students can receive loans to help cover the cost of medical education. For every year of loans, every year they get loans to go to medical school, these students must work for 1 year in a medically underserved area in my State of Illinois.

It is quite a tradeoff—1 year of medical school for 1 year of professional life as a doctor helping people who have no access to doctors. As a result, an amazing thing happened. Some of the best and brightest students in America have come to Loyola to get a medical education, and they have signed up to stay in Illinois to serve the parts of our State where the people I represent are desperate for a doctor.

Last fall, Pablo da Silva began medical school at Loyola where he is pursuing his dream of becoming a cardiothoracic surgeon. He wrote me a letter and this is what he said about the DACA Program:

DACA has allowed me to fulfill my long-lasting aspiration to pursue a career in medicine. It has truly changed my future and for that I'm truly grateful. I'm eager to contribute my share to the country I call my own.

When you read this letter, you stop and think, how can the Republicans in the House of Representatives and the Senate have made this man their enemy? How can they look at this young man, who has struggled throughout his life to obtain an education—

who has overcome the odds, who has volunteered time and again in his community, who is willing to work in underserved medical areas—how can they look at this man and say he is the enemy?

The Republicans in the House and Senate fear Pablo da Silva more than they fear the extremist terrorist groups. They fear this DREAMer, and they are willing to give short-term funding to a Federal agency to make their point.

If the House Republicans and some in the Senate have their way, Pablo da Silva won't be able to finish medical school. He won't become a doctor. And if they have their way and deport him—which is what the House bill calls on us to do—my State is going to be denied a doctor in a medically underserved area.

We are a nation of immigrants. My mother was an immigrant to this country. I believe immigrants have brought so much to America, not just in hard work—and they take the toughest jobs—but also this risk taking that is involved in immigration. They are willing to put it all on the line.

In my case, my grandparents came here with my mom, when she was a little girl, to a country where they barely spoke the language and knew a handful of people. They made a life, raised a family, and I was lucky to be part of it. And I am honored to stand on the floor of the Senate today.

That is my story, that is my family's story, and that is America's story. That is the story of Pablo da Silva.

Why are the Republicans at war with this young man? Why do they think that stopping his opportunity to go to medical school and serve America is in the best interests of our Nation? It certainly isn't.

Yesterday the Senate assistant majority leader said on the floor that DACA “kicked the people who played by the rules to the back of the line and the people who did not to the front of the line.”

Here is the reality: The President's immigration action simply puts a temporary hold on the deportation of low-priority cases like immigrant students such as Pablo da Silva. It doesn't put the DREAMers or any other undocumented immigrants in the same line as legal immigrants, and it doesn't put any legal immigrants at the back of the line. Only Congress can do that.

Speaking of Congress, it is important to note that in 2013 this Senate passed comprehensive immigration reform with a strong vote of 68 to 32. Republicans and Democrats voted for it.

For the remainder of that Congress, the year 2013 and 2014—more than 1½ years—the Republican House of Representatives refused to allow a vote on the Senate's immigration reform bill, refused to call their own bill, refused to take any action. It was at that moment when the President stepped forward and said: I have to do something with this broken immigration system.

Instead of slowing down the appropriations to the Department of Homeland Security, I wish to remind the majority leader and the Speaker of the obvious. They are in control. They have the majority. They can call immigration issues before the Senate and the House at a moment's notice. We are prepared—prepared—to debate those immigration issues, but we are not prepared to do that, engage in that important debate, at the expense of funding the Department of Homeland Security.

Now we are going to waste a week of the Senate's time—a week when we could pass the Shaheen-Mikulski bill and fund this Department, a week when we could initiate the debate on immigration, a week when the Republicans can come forward with their own immigration ideas, if they have any, other than deporting Pablo da Silva. They can come forward now, but they refuse to.

They want to make this political point with the President, but they do it at the expense of the safety and security of America, and they do it at the expense of DREAMers such as Pablo da Silva.

Every time we have tried to pass comprehensive immigration reform, the Republicans have said no.

Every student of American history can tell us that anti-immigration parties eventually wither and die. We are a nation of immigrants.

There are some on the Republican side who understand that, and they can't really explain why the Grand Old Party, the Republican Party, is turning its back on immigrants in a nation of immigrants. That is their policy. They are so determined to pursue it they are willing to jeopardize the appropriations for one of the most important agencies of our government, the Department of Homeland Security.

The President has used his legal authority to bring some fairness to our broken immigration system. If the Republicans think they can do it better, they have every right as the majority party in the House and the Senate to offer legislation.

But with the Homeland Security Department facing a shutdown in just 3 weeks, we don't have time for these symbolic votes in the House bill on the floor. Turn to page 15, I say to the majority leader, of the Calendar of Business of the Senate, and you will find the answer to your question. You will find the way to fund the Department of Homeland Security in a responsible way.

What the majority leader should do is to swallow his pride, call Mr. BOEHNER and say: Your idea is not going to fly in the Senate. It is time for us to fund this agency. It is time to understand that as resolute as the terrorists are in harming innocent people and threatening America, America should be as resolute in fighting them back.

The first line of defense is the Department of Homeland Security. It is time to fund it. We could do it in a

matter of minutes this morning if the majority leader would simply call to the floor this clean appropriations bill. I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., equally divided, with Senators permitted to speak therein for up to 10 minutes each.

Mr. DURBIN. Mr. President, since I see no other Members on the floor at this time, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMERICAN CURES ACT

Mr. DURBIN. Mr. President, 3 weeks ago, scientists at Boston's Northeastern University made an amazing discovery in a pile of dirt. They found a new antibiotic called teixobactin. This new antibiotic, the first that has been discovered in more than 25 years, holds the potential to kill off a wide variety of disease-causing bacteria. It offers hope for a cure to serious and growing antibiotic resistant diseases.

President Obama noted in his State of the Union Address that antibiotic resistance is one of the world's most pressing public health challenges. In the United States alone, it costs us at least \$20 billion a year and claims 23,000 lives.

A plastic storage crate filled with backyard dirt might seem like an unlikely source for a breakthrough, but that is exactly where these scientists—who were working under a grant from the National Institutes of Health—discovered this potentially lifesaving medical breakthrough.

Scientific breakthroughs are nothing new for the United States of America. In the last century we split the atom, defeated polio, conquered space, created the Internet, and mapped the human genome. All of those historic achievements had something in common with the discovery of teixobactin—they were backed by U.S. Government research funds.

I have people come up to me in Illinois and say: Name one thing this government has ever done. Well, aside from winning a few wars that were critical to the future of mankind, we have done amazing things when it comes to research.

For generations the United States was the unchallenged world leader in support of scientific research, but in recent years our lead has eroded. In 1965 the United States spent 25 percent of our nondefense discretionary budget on research and development—1965, 25 percent; today, 10 percent.

Meanwhile, other countries are stepping up. China has increased research and development funding by 20 percent a year every year from 1999 to 2009. If we stay on course, China will be investing more in research and development as a share of their overall economy than the United States in as soon as 5 years.

The erosion of U.S. funding is particularly troublesome and costly in the area of biomedical research. Thanks to budget cuts, and particularly the sequestration, the U.S. share of global biomedical research funding declined by 13 percent between 2004 and 2012. Lifesaving discoveries are being delayed and young scientists are finding fewer funding opportunities. A decade ago 30 percent of the qualified NIH grant proposals were funded, today it is just 18 percent.

In Illinois researchers regularly tell me how difficult it is to find government support for their medical research. They can spend as much time applying for grants and opening rejection letters as they do conducting experiments and analyzing data.

There are indications that young researchers are taking their talents to other industries and even other countries. In 1982 18 percent of NIH primary investigators were under the age of 36. In 2011 3 percent of NIH primary investigators were under the age of 36. The young researchers aren't going in to government-sponsored research. Meanwhile, our population is aging, medical conditions from cancer to Alzheimer's are touching more and more lives, and the need for medical breakthroughs has never been greater.

Back in Illinois I had the pleasure of visiting the lab of legendary researcher Dr. Janet Rowley at the University of Chicago. She was an inspiration. I wish I could have met her. Four decades ago, sitting at her dining room table in Hyde Park in Chicago, she had what she called an "oh wow" moment—a flash of insight that transformed the world's understanding of cancer. Until that moment it was generally assumed genetic abnormalities were the result of cancer. Dr. Rowley's work showed it was the other way around; that genetic mutations in fact caused cancer. That revolutionary insight led to targeted drug treatments for previously untreatable cancers. What family—what family on Earth—has not been touched by cancer?

Janet Rowley was working under a small grant from the National Institutes of Health when she made this historic finding. One of the parts of her story I love is when she and her family returned to Chicago in 1962. Janet told the University of Chicago she would like to come back to continue her research with a couple of conditions. She said: I am a mother of four boys. I can only work part time. Second, she wanted a microscope, a desk, and a salary. She asked for \$5,000 a year. To its everlasting credit, the University of Chicago said yes. Ten years later came her

"oh wow" moment that changed our understanding of cancer.

One of my deep concerns is this: How many other Janet Rowleys are being lost in America to medical research because they can't get the financial support for the grants they need to move forward? How many medical scientists have been forced to scale back or even abandon vital research because of ill-advised cuts to the National Institutes of Health?

If America is going to remain a world leader in research that does contribute to longer and healthier lives, Federal funding for medical research has to be a national priority. Last week I reintroduced a critical bill. The American Cures Act calls for \$150 billion in Federal research funding to support medical breakthroughs over the next 10 years.

I guarantee we will get more than \$150 billion in payback if we put that money in medical research. If we can delay the onset of Alzheimer's in this country just by weeks or months, and God willing cure it, think of how much we will save. Last year it cost our Federal Government over \$200 billion to treat Alzheimer's patients.

For researchers making long-term plans, it is not only the amount of funding but its reliability. That is why the American Cures Act would eliminate the year-to-year unpredictability of congressional budgets and politics and set a steady growth rate of 5 percent over 10 years.

Francis Collins, one of the most extraordinary doctors in America, heads up the NIH, and he said: This, Senator, will make a difference.

These funds would go to four institutions: the National Institutes of Health, the Centers for Disease Control and Prevention, the Department of Defense health programs, and the VA Medical and Prosthetic Research Program.

The American Cures Act will make funding for lifesaving medical research less political and more predictable.

I thank my colleagues, Senators SHERROD BROWN, AMY KLOBUCHAR, BARBARA BOXER, ED MARKEY, BEN CARDIN, AL FRANKEN, BOB CASEY, and CHUCK SCHUMER, as well as Congresswoman ANNA ESHOO for cosponsoring and sponsoring this legislation. People may have seen the old bumper sticker that said: If you think education is expensive, try ignorance. Well, if you think biomedical research is expensive, try illness.

Medical research is a great investment. Every \$1 we spend generates over \$2 in economic growth. We more than double our investment and that is before counting the value of diseases cured.

Dr. Anthony Fauci, a brilliant epidemiologist who heads the National Institutes of Allergy and Infectious Diseases, said of the discovery of teixobactin: "That was a long shot—but it worked."

That was also true with the polio vaccine, discovered 60 years ago by Dr.

Jonas Salk, and so many other American cures and breakthroughs that have changed the world. Private industry doesn't fund this sort of basic foundational science. It can't. This kind of science takes patience and time and a lot of investment.

America is blessed with some of the best and most generous medical philanthropies in the world, but they can't fill this funding gap. Only we can do it. It takes our government to fund the science that leads to breakthrough cures. This shouldn't be a partisan issue, and it shouldn't be a low-budget priority. I think it should be the highest.

I ask my colleagues to join me in supporting the American Cures Act to help save lives, restore biomedical research leadership, and strengthen America.

As Jonas Salk, the pioneer of the polio vaccine, would say: "The only way we can lose is if we stop too soon."

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. COCHRAN. Mr. President, I was very disappointed yesterday that the Senate did not vote to proceed to the consideration of the Homeland Security appropriations bill. I hope we will have an opportunity to reconsider that vote and we will agree to take up the bill.

The need to fund the Department of Homeland Security for the remainder of this fiscal year should not be in question. We know that we are living in a complex world with ever-changing threats to our Nation's security. The Department that we created specifically to combat those threats will operate better and more efficiently with a full-year funding plan that reflects updated spending priorities. I have heard no Senator dispute that.

The leaders of the Homeland Security Subcommittee—both Democrat and Republican—put a great deal of effort into drafting this measure. The bill provides \$10.7 billion for Customs and Border Protection—an increase of \$119 million over fiscal year 2014. This amount will support border infrastructure, technology needs, roads, air and marine assets, and higher levels of personnel, including Border Patrol agents and Customs and Border Patrol officers.

The bill provides nearly \$6 billion for Immigration and Customs Enforcement—an increase of 13 percent.

The bill provides increased funds to identify, apprehend, and remove crimi-

nal aliens and provides increases for investigations to help combat human trafficking, cyber crime, child exploitation, and drug smuggling.

The bill provides support for the Secret Service and congressional oversight, including \$25 million to address security needs at the White House complex.

The bill provides more than \$10 billion for the Coast Guard. This includes additional resources to continue the recapitalization of the Coast Guard fleet.

The bill provides funding for the Disaster Relief Fund. When disaster strikes, it is important that the Disaster Relief Fund contain the resources necessary to support an effective response.

The bill also includes House amendments designed to reverse the President's unilateral actions on immigration enforcement. Given the timing and breadth of the President's actions and the challenge to congressional authority those actions represent, it can come as no surprise that they provoked a congressional response.

I am speaking to remind Senators of the urgent and important need we have for the adoption of funding for the Department of Homeland Security and other provisions this bill contains. I urge my colleagues and the leadership to help ensure that we move the Senate in the direction of early passage after thorough consideration of the provisions of this bill, the passage of this bill to protect our national security.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LEE pertaining to the introduction of S. 356 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, as we continue this debate on funding for the Department of Homeland Security, we face some fundamental questions. Are we going to prioritize the safety and security of the American people or are we going to put the country at risk because of an ideological disagreement? That is the choice we face with this bill.

We can debate immigration. I think Members of the Democratic caucus would be happy to do that. The Senate

did that 2 years ago when we passed a comprehensive immigration reform bill with 68 bipartisan votes. But this is not the time for us to have this debate.

We need to fund the Department of Homeland Security now so they can continue to do their work. We can either pass a clean bill that makes critical investments in our Nation's security or we can put our Nation at risk by playing politics with funding for the Department of Homeland Security.

I appreciate what the Appropriations Committee chairman, Senator COCHRAN from Mississippi, did earlier today by coming down and laying out what is in the funding for the Department of Homeland Security and laying out the important work of the Department of Homeland Security. I believe most of us appreciate the work they do and why it is so important to the safety and security of the country. That is why we need to pass a clean bill to ensure that they are funded for the rest of this year.

For those who are in the Senate Chamber and for those watching at home who have not been following what has gone on here in Washington with this bill, I will provide a little history on how we got to where we are today.

In the closing weeks of the 113th Congress, Senator MIKULSKI, then chair of the Senate Appropriations Committee, and Congressman ROGERS, chair of the House Appropriations Committee, negotiated spending for the entire government, including the Department of Homeland Security. This was a compromise measure. Not everyone got what they wanted, but the bill funded Homeland Security priorities at levels that would ensure that the Department could fulfill its mission.

Then, sadly, politics came into play. Some Members of the House Republican caucus demanded that the Homeland Security bill be removed from the larger budget because of immigration issues. They didn't like the President's Executive action on immigration. Now the entire Department is funded on a short-term basis through February 27, which is just 23 days from now.

Last month the House of Representatives narrowly passed a bill to fund Homeland Security, but they added politically divisive language that rolls back protections for immigrant children, among other anti-immigrant measures. It also would roll back some of the efforts for surveillance and efforts to address illegal immigrants who are committing crimes when they come into this country.

Because of these controversial immigration riders, President Obama immediately announced that he would veto the House-passed bill. Last week, the entire Democratic caucus of the Senate signed a letter to Majority Leader MCCONNELL urging him to put the security of our Nation first, to put politics aside, and to work with us to pass a clean Homeland Security funding bill

without controversial immigration riders attached—to pass a bill the President can sign.

I ask unanimous consent to have the letter from the Senate Democratic caucus printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, January 27, 2015.

Hon. MITCH MCCONNELL,  
Senate Majority Leader, The Capitol,  
Washington, DC.

DEAR MAJORITY LEADER MCCONNELL: As we rapidly approach the date on which the Department of Homeland Security's funding expires, and as law enforcement officials face major threats to our nation's safety and security, we write with one simple request: work with us to pass a clean bill that funds Homeland Security for the remainder of the fiscal year.

The House bill cannot pass the Senate. Democratic Leader Harry Reid has called for a clean funding bill for the Department of Homeland Security. The President has also made clear that he will veto any bill that expressly limits his authority to exercise prosecutorial discretion on immigration matters. While we agree our current immigration system needs comprehensive reform, including border security enhancements, this appropriations bill is not the place for this debate.

In light of recent events in Paris, Ottawa and Australia, the threat of ISIS and the proliferation of foreign fighters that return home radicalized, DHS funding should not be tied to divisive political issues that could jeopardize this critical funding.

We are now four months into the fiscal year. A series of short-term continuing resolutions to fund DHS should be off the table. Secretary Jeh Johnson has noted that if DHS continues to operate on CRs, counterterrorism efforts will be limited, border security initiatives and grants to state and local law enforcement will go unfunded, and aviation security efforts will be hampered.

Every day, new threats emerge that endanger our citizens at home and our allies abroad. We should not cast doubt on future funding for the Department of Homeland Security at a time when the entire nation should be marshalling collective resources to defend against terrorism. Uncertainty undermines security.

Last December, House and Senate negotiators reached a bipartisan agreement on a bill to fund DHS for the entire fiscal year. The best way to provide certainty and stability for the men and women who fulfill DHS's mission to protect the United States from harm is to immediately schedule a vote so that this compromise bill can become law.

We know that you share our desire to keep our nation safe in these dangerous times, and we thank you for considering our request.

Sincerely,

Jeanne Shaheen; Richard J. Durbin; Patty Murray; Elizabeth Warren; Edward J. Markey; Dianne Feinstein; Heidi Heitkamp; Barbara A. Mikulski; Charles E. Schumer; Debbie Stabenow; Thomas R. Carper; Tammy Baldwin; Mazie Hirono; Patrick J. Leahy; Angus S. King, Jr.; Mark R. Warner; Richard Blumenthal; Bernard Sanders; Sheldon Whitehouse; Benjamin L. Cardin; Christopher Murphy; Kirsten E. Gillibrand; Jack Reed; Sherrod Brown; Robert Menendez; Christopher A. Coons; Brian Schatz; Ron Wyden; Tim Kaine; Cory A. Booker; Jon Tester; Amy Klobuchar; Claire McCaskill;

Gary C. Peters; Al Franken; Barbara Boxer; Tom Udall; Michael F. Bennet; Martin Heinrich; Bill Nelson; Jeff Merkley; Robert P. Casey, Jr.; Joe Manchin, III; Maria Cantwell; Joe Donnelly.

Mrs. SHAHEEN. Cloture was not invoked on the House bill. We saw that yesterday in our vote. It is a bill that cannot become law. There are only 24 days left before funding for the Homeland Security Department expires.

The House bill cannot move forward. So I urge my colleagues on the other side of the aisle to work with us to pass a clean full-year budget, without controversial riders, to fund Homeland Security.

As the ranking member of the Homeland Security Subcommittee, I am ready to work with my colleague Senator HOEVEN, who chairs the Subcommittee on Homeland Security, and the chair and ranking member of the Appropriations Committee, Senator COCHRAN and Senator MIKULSKI, and the entire committee to pass a bill to keep our Nation safe and to avoid disrupting the work of the Department of Homeland Security and to keep this critical agency operating at full strength. In fact, Senator MIKULSKI and I introduced a bill last week, S. 272, which would do exactly that.

We live in dangerous times. Every day new threats emerge that threaten our citizens at home and our allies abroad. The Department of Homeland Security's role in protecting our country from these threats cannot be overstated, and its funding should not be controversial.

Right now the U.S. law enforcement community is on high alert for terror threats after attacks in Sydney, Australia, and Ottawa, Canada, and, of course, the Charlie Hebdo attack in Paris.

Just 2 weeks ago, an Ohio man was arrested when authorities discovered he was plotting to blow up the U.S. Capitol in an ISIS-inspired plan. ISIS has thousands of foreign fighters, including Americans among their ranks, who can return to their home countries to do harm and who say they intend to do that.

We were all horrified yesterday by the news of the courageous Jordanian pilot who was killed in such a barbaric and disgusting way by the Islamic State.

We have recently learned that ISIS plans to take advantage of the Syrian refugee crisis and to move their fighters into Turkey and Europe. These are real threats. They are a clear and present danger to this country, and because they are so real, we need our counterterrorism intelligence community operating at full strength. An essential part of our Nation's counterterrorism and intelligence infrastructure is within the Department of Homeland Security.

As Michael Chertoff, George W. Bush's Secretary of Homeland Security said, "intelligence is not only about spies and satellites."

Intelligence is also about the disciplined daily tasks of collecting and analyzing thousands of reports and investigations that are ongoing all across our country—from our local and State police, our Border Patrol agents, our port security personnel, and our Coast Guard patrolling our shores.

The Department of Homeland Security takes these thousands of bits of information, sifts out the critical details, coordinates with our foreign intelligence agencies, and gets critical information to our first responders on the ground as quickly as possible. This work is critical to keeping our Nation safe from terrorism.

One of the chief criticisms of the 9/11 report was that we need to improve intelligence information sharing between the intelligence community and our first responders on the ground.

I was Governor on September 11. I know some of the challenges that we had in New Hampshire with that information sharing. Well, that is one of the missions the Department of Homeland Security was created to carry out.

If you talk to Governors and mayors, police chiefs and sheriffs, and the folks on the ground who are responsible for keeping our citizens safe every day, ask them about their fusion centers. Ask them whether they want their law enforcement to go back to the days when all of our intelligence was bottled up in Washington, DC, and our towns and cities were on their own. Of course they don't want to go back to being kept in the dark. There is too much at stake, but that is what could happen if the Department of Homeland Security is not fully functioning.

I wish to point out that we received a letter from the U.S. Conference of Mayors. It is signed by Tom Cochran, CEO and executive director. He sent it to Senators COCHRAN, MIKULSKI, HOEVEN, and SHAHEEN. I will not read the whole letter, but they point out a number of issues which I believe are important in laying out the challenge and why we need to pass a clean funding bill.

Mr. Cochran says:

I write on behalf of the nation's mayors to urge you to expeditiously report out a "clean" bill to fund the Department of Homeland Security for the remainder of the current fiscal year. A fully functioning Department of Homeland Security is critical to the security of our nation, our cities, and our citizens. A Department operating on a short-term continuing resolution, despite its best efforts, faces uncertainty and delays and simply cannot be fully functioning.

He goes on to elaborate a number of the important programs and important work that the Department of Homeland Security does, and I will not read all of that.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:



THE UNITED STATES  
CONFERENCE OF MAYORS,  
Washington, DC, February 4, 2015.

Hon. THAD COCHRAN, Chairman,  
Hon. BARBARA MIKULSKI, Ranking Member,  
*Committee on Appropriations, U.S. Senate,*  
*Washington, DC.*

Hon. JOHN HOEVEN, Chairman,  
Hon. JEANNE SHAHEEN, Ranking Member,  
*Subcommittee on Homeland Security, Committee*  
*on Appropriations, U.S. Senate, Wash-*  
*ington, DC.*

DEAR SENATORS COCHRAN, MIKULSKI, HOEVEN, AND SHAHEEN: I write on behalf of the nation's mayors to urge you to expeditiously report out a "clean" bill to fund the Department of Homeland Security for the remainder of the current fiscal year. A fully functioning Department of Homeland Security is critical to the security of our nation, our cities, and our citizens. A Department operating on a short-term continuing resolution, despite its best efforts, faces uncertainty and delays and simply cannot be fully functioning.

Under its current short-term continuing resolution, DHS cannot undertake any new spending initiatives to respond to national needs, including those along the border, or release any grant funding for non-disaster programs. Among the non-disaster programs it funds are the State Homeland Security Grant Program and the Urban Areas Security Initiative, which provide vital resources to our cities to help them prevent and prepare for the threat of a terrorist attack. The Urban Search and Rescue System is a national resource that provides lifesaving aid to disaster-stricken communities both at home and abroad. The Assistance to Firefighter Grant programs help local fire departments meet their baseline readiness needs. Emergency Management Performance Grants help to fund the emergency managers so critical to our preparedness to prevent and respond to disasters when events—man-made and natural—occur.

Homeland Security Secretary Jeh Johnson recently listed just a few of the activities vital to public safety and security that the Department has funded, including new communications equipment for over 80 Los Angeles area public safety agencies, surveillance cameras and environmental sensors used by NYPD to detect in real time potential terrorist activity, upgraded oxygen masks and tanks for over 30 Denver area; and 150 firefighter jobs in Detroit.

The current threat environment is serious, given the terrorist attacks in Paris, Ottawa and Sydney and public calls by terrorist organizations for further attacks on the Western targets. It's vital that Congress provide stable funding for the remainder of the year to the agency charged with keeping all of us safe and secure, the U.S. Department of Homeland Security.

Sincerely,

TOM COCHRAN,  
*CEO and Executive Director.*

Mrs. SHAHEEN. Mr. President, I will also point out a letter we received, which again, was addressed to Senator COCHRAN and Senator MIKULSKI.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to speak for 3 more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. SHAHEEN. This is from emergency managers, and it says:

The nation's local emergency managers urge you to include full-year funding for pro-

grams at the U.S. Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) that support state and local emergency management programs. These programs are critical to preparing our nation for all hazards including terrorist attacks.

Again, they go on at length, and I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF  
EMERGENCY MANAGERS,  
*Falls Church, VA, February 4, 2015.*

Hon. THAD COCHRAN,  
*Chairman, Committee on Appropriations, U.S.*  
*Senate, Washington, DC.*

Hon. BARBARA MIKULSKI,  
*Vice Chairwoman, Committee on Appropria-*  
*tions, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN COCHRAN AND VICE CHAIRWOMAN MIKULSKI: The International Association of Emergency Managers—US Council appreciates the work of your committee as you consider the FY 2015 budget for the Department of Homeland Security. The nation's local emergency managers urge you to include full-year funding for programs at the U.S. Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) that support state and local emergency management programs. These programs are critical to preparing our nation for all hazards including terrorist attacks.

The Emergency Management Performance Grant (EMPG), called "the backbone of the nation's emergency management system" in an Appropriations Conference Report, constitutes the only source of direct federal funding for state and local governments to provide basic emergency coordination and planning capabilities including those related to homeland security. The grant is 50-50 cost shared and supports state and local government initiatives for planning, training, exercises, public education, as well as response and recovery coordination during actual events. When a coordinated response is required, it is always a complex undertaking. Local emergency management is core to the coordination and collaboration of multiple agencies, jurisdictions, and sectors.

A recent example of the importance of EMPG is provided by Dr. Russell Decker, Director of Emergency Management and Homeland Security for Allen County Ohio.

In the case of our January 10 refinery explosion and fire, EMPG funds made a successful response possible with trained emergency managers and our public safety partners implementing response plans developed and trained through EMPG funding, hazard materials response and air monitoring equipment funded through State Homeland Security Grant Program funds ensured the safety of responders and nearby residents. I'd hate to think what could have been the outcome if that planning, training, and exercising had not occurred. Since many locals rely on EMPG, extended delays can mean staff layoffs or delays in filling vacancies, postponed training exercises, delays in plan revisions and also delays in acquisition of needed equipment for EOCs which could mean increased costs when funds do become available.

The delay in receiving this annual EMPG funding causes uncertainty for local governments. Some preparedness activities must be put on hold until the reimbursement is assured.

Also important are grant programs such as the State Homeland Security Grant Program

and the Urban Areas Security Initiative which help support local government preparations for the continued threat of terrorism. Funding is needed to sustain currently established and critical programs.

We respectfully urge that full year funding be provided for FY 2015 to end the uncertainty.

Sincerely,

JOHN "RUSTY" RUSSELL,  
*President, Inter-*  
*national Association*  
*of Emergency Man-*  
*agers, U.S. Council.*

Mrs. SHAHEEN. There are any number of reasons why we need to pass a clean funding bill for the Department of Homeland Security. We should be working to do that now. We should stop the ideological debate and focus on the risk to this country if we fail to act, the potential risk we would face by passing a continuing resolution, and the risk to this country if we shut down the Department of Homeland Security. None of those options are acceptable.

We need to work together and get this done. I urge my colleagues to do that.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Washington.

#### NET NEUTRALITY

Ms. CANTWELL. Mr. President, I rise today to discuss the importance of the issue of Net neutrality and the importance of it to our innovation economy.

The Internet is a \$638 billion economic force, and according to the McKinsey Global Institute, it supports millions of jobs across our Nation. Setting the right policy for the Internet is critical for the continuation of American job creation in an innovation economy.

Over the next 24 hours, FCC Chairman Tom Wheeler is expected to announce strong Net neutrality standards to support the growth of this innovation economy.

According to news reports, the FCC will establish clear rules of the road to ensure that no content is blocked and that the Internet cannot be divided into fast and slow lanes. This announcement would set a clear framework for the innovation economy and the millions of jobs that depend on it across our Nation. It would make a game-changing milestone for American innovators and consumers because a comprehensive plan would protect consumers while still allowing for flexibility of business growth and investment and making sure that American consumers and innovators are protected.

The Commission is expected to vote on this rule later this month, and I hope that all of our colleagues will be paying attention to this decision because this decision is not just whether I can download or use Netflix, it is really about equal access to the marketplace. It is about how the future

success of these innovators are determined.

Over the last few years, we have been debating the future of the Web, and that is because broadband companies have tried to leverage what is to be established as a two-tier Internet—those with fast lanes because of their ability to pay more and slow lanes for those who can't pay more.

I believe the President did the right thing. He called on the FCC to make the right decision when it comes to the Internet and protecting it from cable companies who want to overcharge or slow down connections. The FCC seems to be willing to make the right call, by protecting consumers and the Internet, under a new order which, just like a utility, would give consumers the ability to be protected from bad service or exorbitant fees. At this point in time, that is what we need to do to protect consumers.

According to the news reports, Chairman Wheeler will announce a plan to use the FCC authority in the most comprehensive way to protect Net neutrality, prohibit pay-to-play fast lanes, prohibit blocking and throttling, require greater transparency for consumers, and apply the rules to wireless broadbands so that smart phones are treated just like the browser on your desk.

This plan would cover what is known as the middle mile or Internet traffic or the companies that content providers, such as Netflix, pay to bring traffic to cable companies, such as Comcast, to connect to you, the end user. These important policies will provide certainty to a startup in business, and they will make sure that those products get equal access.

Last month I had a roundtable in Seattle with several startups and experts on Net neutrality, and many of those companies relied on the Internet to transform their ideas into successful businesses. They explained how the debate affects more than just tech companies. They said software is revolutionizing every industry, from retail to health care, everything from the way you pay for your coffee at Starbucks to how you access your own personal health information.

If we allowed a two-tier system to develop, the big guys would have the ability to pay more while the smaller customers would have disruptions. What we have done, hopefully with an announcement today, is to make sure we are putting a stake in the ground to protect consumers.

The CEO of the Washington Technology Industry Association put it best when he said:

We have a multi-trillion dollar evidence base study that says the current rules of the game—which mean open, neutral access to the Internet—work.

I couldn't agree more.

Our innovation economy depends on equal access for all ideas. The proof is in the numbers. Over 6 million U.S. jobs are tied to the Internet. That adds

up to a payroll of \$558 billion. In the Seattle metropolitan area alone, from 2009 to 2014, there were 433 different venture capital deals related to Internet companies, totaling nearly \$2.6 billion.

All of this growth in the Internet economy relies on an open Internet. That means no blocking, no throttling of these priorities. That is why I support strong net neutrality rules. They need to be responsible and efficient.

I thank Chairman Wheeler for his leadership in setting up strong rules. I hope this information on the Web continues to be one of our great economic engines and continues job development here in the United States.

A strong net neutrality rule is the best tool in the toolbox for preserving the openness of the Internet today. It will go a long way to help us continue our economic prosperity.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Georgia.

#### DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. ISAKSON. Mr. President, I find it tragically ironic that on the same day the Islamic State tragically took the life and murdered a Jordanian pilot that the U.S. Senate failed to get a 60-vote majority to move to a motion to proceed to debate the most important issue facing the United States of America. I agree with my colleagues who have talked about the dangers of Islamic terrorism, the dangers of porous borders, and all the other dangers we have spoken about, but we can't solve those problems unless we get the bill to the floor and debate it.

I was elected in 2004. The No. 1 issue in my campaign and in the general election was immigration policy in the United States of America. Eleven years later, it is still the biggest domestic issue in the State of Georgia. We still have a porous border and we know how vulnerable we are. It is time we move this bill to the floor and fully debate it.

I know there are differences of opinion. I know each one of us would do it differently. But we are part of a constitutional government to make decisions for our people. We don't need Executive orders dictating what we should do. We need a House and a Senate to come to common ground, we need a President who will sign a bill, and we need a bill to be upheld. We are not going to get there until we have debate on the floor and move forward on a motion to proceed to debate funding for the Department of Homeland Security.

I just left a Committee on Foreign Relations hearing on human trafficking. We talked about the terrors of what is happening in terms of sexual abuse, sexual trafficking, child labor, minority labor—all of those horrors that are taking place. Do my colleagues know where they are taking

place in our country? They are taking place on the border of the Southwest, in the Presiding Officer's home State of Arizona, where our border is porous. And because of that, drugs and human beings are trafficked every single day. That should stop.

The No. 1 issue when we debated the Department of Homeland Security bill in 2005 was to put in a trigger to ensure that no changes in immigration law took place until we first secured the border.

The border is still not secure. We are trying. I commend our brave soldiers and the State of Arizona, as well as Fort Huachuca, one of the beacons of the drones that are flying on the border with Mexico to try to identify people coming in, but we haven't done enough.

We should bring the Department of Homeland Security bill to the floor. We should make sure the funding for the Department of Homeland Security is sufficient to secure our border. We will find our differences and we will debate our differences and we will come to common ground. But we can't come to common ground—we can't resolve our Nation's No. 1 domestic problem—unless we agree to bring to the floor the motion to proceed and bring a robust debate to the floor of the U.S. Senate.

I, as one Member of the Senate, ran for this job to be a part of the solution, not someone who would throw up my arms and say we can't solve the problems so I am going to sit on the sidelines. Let's get off of the sidelines. Let's come to the floor of the Senate. Let's vote on the motion to proceed. Let's fully amend and debate the bill. Let's send the President a bill from a unified Congress that says we want a secure border, we want an immigration policy that works, and we want to once again be a government of checks and balances, not a government of Executive orders.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask the Chair to please notify me at 9 minutes into a 10-minute speech.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. SESSIONS. Mr. President, we are in the odd situation by which our Democratic colleagues are complaining that we are blocking funding for the Department of Homeland Security when the House has passed a bill that fully funds the Department of Homeland Security. It is sitting at the desk today. The majority leader, Senator McConnell, has moved to proceed to that bill, and they are blocking it. Senator McConnell moved to invoke cloture on the motion to proceed—to just



get on the bill—and he has indicated, as he has before, that there would be amendments allowed to the bill. This would be the way to move forward with an appropriations bill in the regular order. So it is unbelievable, really, that our colleagues on the other side of the aisle are trying to contend that the majority Republicans in Congress, in both Houses, are trying to block funding from the Department of Homeland Security when nothing could be farther from the truth.

Look at today's CNN headline. This is on their Web site: "Democrats Block Funding for DHS to Protect Obama's Immigration Orders."

Why are they blocking it? To protect Obama's immigration orders that are contrary to Congress's will, clearly overwhelmingly rejected by the American people, and contrary to law. Why should Congress fund unlawful activities? Why should it fund policies it does not approve of? Why should it fund policies the American people strongly reject? It has no duty to do that.

Congress is not a potted plant. It is not a rubberstamp. Congress has a duty to the people, which is to ensure that the laws of this country are followed, that the American people have defense for the homeland, with funding for the Department of Homeland Security, and they have done that. What they have said is we are not going to fund actions by the Department of Homeland Security that undermine the law. We are not going to approve money that undermines the laws of the United States, and we are not going to allow the President to take money, which was given to the Department of Homeland Security to enforce the law, so he can undermine the law.

What has the President done with his Executive orders? It is a stunning action. He said over 20 times he didn't have the power to do this. He doesn't have the power to do what he did. He just did it because political pressure, I guess, caused him to do so. He is going to provide legal status, not for children, for 5 million people. They will be given Social Security numbers. Constitutional scholars have told us, colleagues, the utilization of the idea of prosecutorial discretion is not appropriate in such a massive way as this. What I want to tell you is it goes well beyond prosecutorial discretion. The President is going to provide a Social Security number to people who are unlawfully here. He is going to provide a photo ID for people who are unlawfully in America, providing work permits for them, the right to participate in the Medicare and the right to receive checks from the Federal Government in the form of earned income tax credit to the tune of billions of dollars.

One of the first things we do to try to establish a lawful system of immigration is not provide financial benefit to people who come to the United States unlawfully. So this is a problem. I have to say it is a big problem.

My friend and able Member of this Senate, Senator DURBIN, the Democratic whip, assistant minority leader, said this last night, yesterday: "It is incredible to me that we have refused to provide funds the Department of Homeland Security needs to keep America safe." He said: "It is incredible to me that we haven't passed a bill that the House sent over here that fully funds Homeland Security."

I am not blocking the bill. We want to go on the bill. We want to be able to amend the bill to keep America safe. Who is blocking it? It is my Democratic colleagues. Senator DURBIN is the leader of the blocking game. He is the offensive line, the center, I guess, of the offensive line.

Senator DURBIN goes on to say: "There is nothing wrong with a debate over immigration policy."

That is correct. He continues: "In fact, the Republicans, now in the majority control of the House and Senate, could have started the debate weeks ago. They didn't."

Look, we debated Senator DURBIN's vision. It was rejected by Congress, his ideas. Many supported the bill in this body. It didn't come back this fall in part because of their actions on immigration.

President Obama had the choice to go from State to State trying to elect people to pass his immigration bill, but he either didn't do it or it didn't work. The American people do not want this kind of legislation.

My friend Senator DURBIN said further: "Instead, they attached five riders to the Department of Homeland Security appropriations bill, and they said: We will not allow that Department to be properly funded unless the President accepts these five immigration riders."

This is just a normal bill that says how the money is going to be spent. It is going to be spent for enforcement, and we are not going to spend money to not enforce the law. It doesn't change. The bill the House has sent to us does not change one lawful immigration policy of America, not one. It is the President who adopted a radical new immigration policy contrary to law, contrary to the American people's wishes. In fact, quite a number of Democrats urged him not to issue such an order, but he did it anyway. Congress has a duty.

Senator DURBIN talks about the DREAM Act that he offered. It had a chance for passage a number of times. But every time it was carefully read, it was an overreach. It went too far. But the point of which is it was rejected by Congress. Congress didn't pass that.

We need to be clear about who is objecting to what in this body, who wants to fund Homeland Security and who wants to advance a radical, unlawful, unpopular amnesty agenda the American people don't like.

Yesterday on the floor Senator SCHUMER asked if it wasn't possible for the Senate to pass a Department of Home-

land Security bill—without language that would ensure the President complies with the Constitution, of course—and then send it back to the House.

Senator SCHUMER is one of our more able Members, for sure, in the Senate, and I respect him and his abilities. But the answer is this: The House-passed DHS bill is the only vehicle because the House of Representatives would blue-slip a bill that originates in the Senate. This is a basic tenet of how a bill becomes law. Article I, section 7, clause 1 of the Constitution states:

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Over the years, the House of Representatives has asserted, and successfully asserted, that this applied to revenue spending bills as well. According to the Congressional Research Service, as a result, the House customarily originates all "money" bills, including appropriations bills. The Congressional Research Service states:

In practice, the Senate has generally deferred to the House's insistence on originating appropriations.

Indeed, it has generally deferred because they won't move anything that doesn't start over there. They successfully asserted that gray area to their benefit, and perhaps it is consistent with the Constitution.

My staff has been unable to find a single instance where the House took up a Senate-originated appropriations bill in over 100 years, since 1901.

The PRESIDING OFFICER. The Senator has used 9 minutes.

Mr. SESSIONS. I thank the Chair.

Our friends in the House have been unequivocal: The Senate must pass the House bill. Speaker Boehner said, "Senate Republicans and Senate Democrats must stand together with the American people and block the President's actions."

House Appropriations Committee Chairman HAL ROGERS said the Senate, "should pass the bill, which funds a very vital national security agency but also turns back this blanket amnesty which is illegal and unconstitutional."

That is where we are. The House has sent over the right bill. It does the right thing. It defends the integrity of the Congress. It defends the wishes of the American people, it defends the policy decision of the Congress of the United States, and prohibits the President from doing what he himself said over 20 different times he did not have the power to do. Professor after professor and historians have said the President doesn't have the power to do it. If the President can do this, if he can execute laws Congress has rejected, what will he be able to do in the future?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### THE ECONOMY

Mr. SANDERS. Mr. President, the good news is the country has made substantial economical progress in the last 6 years since President Bush left office. Instead of losing 800,000 jobs a month as we were during the final months of the Bush administration, we are now creating some 250,000 jobs a month and have seen steady job growth over the last 58 months.

Instead of having a record-breaking \$1.4 trillion deficit as we did when President Bush left office in January 2009, the Federal deficit has been cut by more than two-thirds. Today the 10-year deficit projection is now \$5.5 trillion lower than what the projections were back in 2010.

Six years ago the world's financial system, as we all remember, was on the verge of collapse. Today that is not the case. In fact, some might suggest that Wall Street is doing too well.

While we can take some satisfaction as to what has been accomplished in the last 6 years, one would be very naive not to appreciate there is also a lot of very bad news in our economy, especially for working families.

Most significantly, the simple truth of the matter is the 40-year decline of the American middle class continues. Real unemployment is not 5.6 percent—including those people who have given up looking for work or people who are working part time when they want to work full time—it is over 11 percent. Youth unemployment—something we almost never talk about in this country—is a horrendous 17 percent, and African-American youth unemployment is over 30 percent. It is totally unacceptable.

Real median family income has declined by nearly \$5,000 since 1999. All over this country—in Vermont and in every other State in this country—we have people working longer hours for lower wages. We have husbands and wives working 50, 60 hours a week just to pay the bills. Incredibly, despite huge increases in productivity, in technology, and all of the global economy we hear so much about, the median male worker now earns \$783 less than he did 42 years ago. Let me repeat that. That American male worker right in the middle of the economy now earns, after inflation adjusted for wages, \$783 less than he did 42 years ago. The female worker right in the middle of the economy now makes \$1,300 less than she made in 2007.

When you ask why people are angry, why people are stressed, why people are frustrated, that is exactly why. Further, this country continues to have, shamefully, the highest rate of childhood poverty of any major country on

Earth, and 40 million Americans still have zero health insurance.

In the midst of this tragic decline of the American middle class, there is, however, another reality. The wealthiest people and the largest corporations are doing phenomenally well. The result: The United States today has more income and wealth inequality than at any time since the Great Depression. Today the top one-tenth of 1 percent own almost as much wealth as the bottom 90 percent. Let me repeat that because that truly is a startling fact. Today the top one-tenth of 1 percent—which is what this chart talks about—owns almost as much wealth as the bottom 90 percent.

Today 1 family—the Walton family, owners of Walmart—owns more wealth than the bottom 40 percent of the American people, some 120 million Americans.

I don't believe most of our people think this is what the American economy should be about. In fact, this is not an economy for a democracy. This is what oligarchy is all about. One-tenth of 1 percent owning almost as much wealth as the bottom 90 percent, 1 family owning the equivalent of what 131 million Americans own, that is wealth. In terms of income—which is what we make every year—what we have seen in the last number of years since the Wall Street crash is virtually all new income is going to the top 1 percent.

Last year—just as one example—the top 25 hedge fund managers earned more income than 425,000 public school teachers. Does anybody believe that makes sense? Twenty-five hedge fund managers making more income than 425,000 public school teachers. That gap between the very rich and everybody else is growing wider and wider and wider.

The fact is that over the past 40 years, we have witnessed an enormous transfer of wealth from the middle class to the top 1 percent. In other words, what we are seeing in our economy is the Robin Hood principle in reverse. We are taking from the poor and the working families and transferring that income and wealth to the very wealthy.

From 1985 to 2013 the share of the Nation's wealth going to the middle class has gone down from 36 percent to less than 23 percent. If the middle class had simply maintained the same share of our Nation's wealth as it did 30 years ago, it would have \$10.27 trillion more in cumulative wealth than it does today. Almost \$11 trillion would have stayed with the middle class but has disappeared since 1985.

But while the middle class continues to shrink, while millions of Americans are working longer hours for low wages, while young people cannot afford to go to college or leave school deeply in debt, while too many kids in this country go hungry, we have seen, since 2009, that the top 1 percent has experienced an \$11.5 trillion increase in

its wealth. So the top 1 percent in recent years sees an \$11.5 trillion increase in wealth, while in roughly the same period the middle class sees a \$10.7 trillion decrease in wealth.

This \$11.5 trillion transfer of wealth from the middle class to the top 1 percent over a 5-year period is one of the largest such transfers of wealth in our country's history. Here is my point. This is not just a moral issue, although it is a profound moral issue—and Pope Francis, by the way, deserves a lot of credit for talking about this issue all over the world. Are we satisfied as a nation when so few have so much and so many have so little? Are we satisfied with the proliferation of millionaires and billionaires, at the same time as we have millions of children living in poverty? Is that what America is supposed to be about? That is the moral component of this debate.

But this is not just a moral issue. It is also a fundamental economic issue. As we know, 70 percent of our economy is based on consumer spending. When working people do not have enough income, enough disposable income, they are unable to go out and buy goods and services that they would like or that they need. The so-called job creators that my Republican friends often refer to are not the CEOs of the large corporations.

The CEOs of large corporations cannot sell their products or services unless people have the income to buy them. Someone can come up with the greatest product in the world, but if people do not have the money, they are not going to sell that product, they are not going to hire workers to produce that product.

The truth is that the real job creators in this country are those millions of people who every single day go out and purchase goods and services, but if they do not have adequate income, the entire economy suffers. There was a very interesting article, I believe it was yesterday or today, in the Wall Street Journal, written by Nick Timiraos and Kris Hudson, talking about how a two-tier economy is reshaping the U.S. marketplace.

What they talk about is:

It is a tale of two economies.

Said Glenn Kelman, chief executive of Redfin, a real estate brokerage in Seattle.

There is a high-end market that is absolutely booming. And then there's everyone in the middle class. They don't have much hope of wage growth.

The article continues.

Indeed, such midtier retailers as J.C. Penney, Sears and Target have slumped.

"The consumer has not bounced back with the confidence we were looking for," Macy's chief executive Terry Lundgren told investors last fall.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 28, 2015]  
HOW A TWO-TIER ECONOMY IS RESHAPING THE  
U.S. MARKETPLACE

(By Nick Timiraos and Kris Hudson)

The advance of wealthy households, while middle- and lower-income Americans struggle, is reshaping markets for everything from housing to clothing to beer.

WOODINVILLE, Wash.—Five years ago, Quadrant Homes churned out starter houses in the Seattle area with an average sales price of \$269,000 and the marketing slogan, “More House, Less Money.”

But facing a debt-burdened middle class and rising land prices, Quadrant has since exchanged entry-level buyers for customers free of credit worries and ready to splurge. Its new slogan, “Built Your Way,” accompanies homes with vaulted ceilings and gourmet kitchens that last year sold for an average price of \$420,000. “We used a lot of market research to tell us that our old model wasn’t going to work,” said Ken Krivanec, Quadrant’s chief executive.

The emergence of a two-tiered U.S. economy, with wealthy households advancing while middle- and lower-income Americans struggle, is reshaping markets for everything from housing to clothing to groceries to beer.

“It’s a tale of two economies,” said Glenn Kelman, chief executive of Redfin, a real-estate brokerage in Seattle that operates in 25 states. “There is a high-end market that is absolutely booming. And then there’s everyone in the middle class. They don’t have much hope of wage growth.”

The recession blew holes in the balance sheets of all U.S. households and ended a decadeslong loosening of credit for middle-class borrowers. Now, credit is tight, and incomes have been flat or falling for all but the top 10th of U.S. income earners between 2010 and 2013, according to the Federal Reserve.

American spending patterns after the recession underscore why many U.S. businesses are reorienting to serve higher-income households, said Barry Cynamon, of the Federal Reserve Bank of St. Louis. Since 2009, average per household spending among the top 5% of U.S. income earners—adjusting for inflation—climbed 12% through 2012, the most recent data available. Over the same period, spending by all others fell 1% per household, according to Mr. Cynamon, a visiting scholar at the bank’s Center for Household Financial Stability, and Steven Fazzari of Washington University in St. Louis, who published their research findings last year.

The spending rebound following the recession “appears to be largely driven by the consumption at the top,” Mr. Cynamon said. He and Mr. Fazzari found the wealthiest 5% of U.S. households accounted for around 30% of consumer spending in 2012, up from 23% in 1992.

Indeed, such midtier retailers as J.C. Penney, Sears and Target have slumped. “The consumer has not bounced back with the confidence we were all looking for,” Macy’s chief executive Terry Lundgren told investors last fall.

In luxury retail, meanwhile: “Our customers are confident, feel good about the economy in general and their personal balance sheets specifically,” said Karen Katz, chief executive of Neiman Marcus Group Ltd., last month. Reported 2014 revenues of \$4.8 billion for the company are up from \$3.6 billion in 2009.

Revenue for such luxury hotel chains as St. Regis and Ritz-Carlton rose 35% last year compared with 2008, according to market research firm STR Inc. Revenues at midscale chains such as Best Western and Ramada were down 1%.

On grocery aisles, the recession and its aftermath boosted sales of economy brands.

At the high end, Whole Foods Market Inc. reported record sales per gross square foot last year.

“Demand bifurcated,” said Jason Green, chief executive of the Cambridge Group, a growth strategy firm that is part of Nielsen NV. “The familiar stuff my middle-class family had in the pantry, those are under significant pressure.”

In the grocery market’s middle tier, Safeway Inc., the second-largest supermarket chain in the U.S. was purchased last year by the private-equity group that owns Albertsons, the fifth-largest grocery retailer. Company officials said the deal would allow the companies to reduce costs—and lower prices for customers—as they fend off competition from low-price outlets and high-end stores.

In the cold case, sales of premium lagers are up 16% since 2007 after adjusting for inflation, while sales of economy brands grew 8%, according to research firm Euromonitor International. Sales of midprice beers are down 1%.

The trend hit auto makers some years ago, when BMW AG’s former chief executive Helmut Panke described the U.S. market as an hourglass: lots of demand for budget and luxury brands but little in between. Steve Bates, general manager of BMW Seattle for the past 12 years, said new-car sales at his dealership were up 25% last year, while used-car sales were flat. The M4 series, a sporty coupe priced from \$64,000, has been “selling out as soon as it touches the ground,” he said.

Then there are consumers like Vicki Oliver, 68 years old, of Temecula, Calif. She bought a used Hyundai Sonata last year to replace a wrecked 1995 Ford Explorer. Ms. Oliver and her husband, a real-estate agent, added onto their home two years ago so her daughter and son-in-law, a general contractor, could move in with their family.

“That was a way to make things work in hard times,” Ms. Oliver said. Caribbean cruises and trips to Florida are now memories. “We haven’t done that for years,” she said.

The housing market illustrates how weakness among middle-class consumers holds back the U.S. economy. Homes are generally the biggest purchase Americans make. Housing dollars ripple through the economy by triggering spending on appliances, furniture and landscaping.

#### INEQUALITY IN AMERICA

For the first time, U.S. builders last year sold slightly more homes priced above \$400,000 than those below \$200,000. As a result, the median price of new homes exceeded \$280,000, a record in nominal terms and 2% shy of the 2006 inflation-adjusted peak.

Total sales last year, however, were up just 1% compared with 2013, and more than 50% below their average from 2000 to 2002, before the housing bubble.

New homes are also getting bigger. The median U.S. home was more than 2,400 square feet in the third quarter of 2014, a 20% increase from early 2000 and a 10% increase from the peak of the housing market in 2006.

In Seattle, the median new-home size topped 2,500 square feet last year, a record, according to research firm Metrostudy Inc. Since the market hit bottom in 2011, sales of new homes priced above \$600,000 have tripled, while sales below \$400,000 are down 16%, according to CoreLogic DataQuick. Builders boost profits selling more expensive homes. But less construction overall means fewer new jobs and reduced total spending.

“Over the long haul, I worry that you can’t run our housing market, which depends on volume, on affluent buyers alone,” said Diane Swonk, chief economist at Mesirow Financial in Chicago.

Young households have been slow to buy homes because of the tough job market. Many would-be buyers can’t save enough for a down payment or don’t earn enough to qualify for a mortgage. Student debt holds others back.

A typical household, for example, would need around \$60,000 in cash to make a 20% down payment on the median-priced new home in the U.S. To qualify for a mortgage, they would need good credit and to show an annual income of about \$45,000, assuming little other household debt. A government-insured loan in this example could call for an \$11,000 down payment but would require an annual income of \$60,000.

Lisa and Nathan Trione are looking for a house in Denver big enough for their five children. But there is little in their price range: \$250,000 and under.

“You’re already intimidated by the process,” said Ms. Trione, a 28-year-old paralegal and office manager. “And then you see this huge price, and you say, ‘I’m not ready to do that right now.’”

Ms. Trione is paying off debt she incurred while earning her associate degree. She also is trying to raise her credit score, which, she said, fell during a series of early financial missteps.

Well-heeled customers, meanwhile, have their pick of mortgages. At the same time, some banks have pulled back from federally insured loans that allow for smaller down payments.

“We would like to build a smaller, higher-quality and less-volatile business,” Marianne Lake, chief financial officer at J.P. Morgan Chase & Co., told investors last year. With fewer potential customers, builders have largely abandoned the entry-level market. “If a builder can make money on something, he’ll build it. The problem is that they can’t make money at the entry level,” said John Burns, of Irvine, Calif., a consultant to builders.

But rentals, the low-end of the housing market, are booming. Apartment construction has neared its fastest pace since 1989. Two of the nation’s largest home builders, Toll Brothers Inc. and Lennar Corp., have both launched multifamily construction divisions, each with around 5,000 units in the pipeline. “We all wished we had a big apartment portfolio through this downturn,” said Douglas Yearley, Toll’s chief executive, during an earnings call last year.

With sales plunging in 2009, Quadrant called in a research firm that concluded more buyers might materialize if the company built more expensive homes. “When it’s data driven, the courage to make a remarkable change is easier than when you’re using your gut,” said Mr. Krivanec, the company’s chief executive.

Quadrant, a unit of TRI Pointe Homes Inc., was finishing seven homes per workday in 2004. They now finish less than two of the more expensive houses a day. But the share of buyers who back out of a deal, typically because they can’t get a loan, is down 10% since 2010. To serve more higher-end buyers, Quadrant opened a design studio two years ago that lets buyers choose from dozens of cabinets, countertops, tiles and flooring. Some new buyers spend nearly twice as much on such upgrades, the company said, which adds to the profitability of home sales. Common design features now include a walk-in closet and bathroom nearly as big as the master bedroom. Kitchens have a walk-in pantry.

On a recent Tuesday afternoon on Little Bear Creek Place, a cul-de-sac in this Seattle suburb, electricians, landscapers and framers worked on some 23 Quadrant home sites.

Nearby, Nick and Adriana Stoll unpacked boxes in their new four-bedroom home. The

home is twice the size of the 1,200-square-foot, one-bedroom apartment they rented in nearby Bellevue.

The Stolls customized almost every feature and finish, including hinges on kitchen cabinets that prevent the doors from slamming shut. "I'm typically the kind of consumer where I make a quick decision," Mr. Stoll said. "But when it comes to your home, well, we stared at 100 countertops for an hour."

The Stolls survived the recession and have prospered. Mr. Stoll purchased a Seattle condominium in 2008, the day before learning he was losing his job at Washington Mutual, the thrift sold to J.P. Morgan after it was seized by the Federal Deposit Insurance Corp.

Mr. Stoll changed jobs twice before he was recruited in 2011 to work at a technology company. He broke even on the sale of his condo last year. "Other people encountered problems where maybe it's student loans or credit cards or car payments," he said, "and we have none of that."

The couple put 20% down on their new home, which cost \$579,000. Ms. Stoll works as a client associate for a large financial services company.

Growth in new home sales this year will depend, in part, on whether builders revive their interest in first-time buyers.

Two years ago, D.R. Horton Inc., the nation's largest home builder, launched Emerald Homes, a luxury division. Last year, the company rolled out Express Homes, a division that pioneered no-frills housing for the entry-level market. Mr. Krivanec, Quadrant's CEO, said he doesn't see a return to his company's former model. There are enough people with good-paying jobs in the area—at Boeing, Amazon and Microsoft—to keep sales going, even it means building fewer homes. "We like where we're at," he said.

Mr. SANDERS. So what we are hearing—basically what this article tells us—is if people's income is going down, they are not going to Macy's, they are not going to Target. Those stores are not hiring workers or are getting rid of workers because the middle class does not have the income it needs.

Here is a very important point. Within President Obama's recent budget—by the way, I think the President's budget is beginning to move us in the right direction—there was a very interesting projection that unfortunately got very little attention. Here is the point: Over the last 50 years GDP growth in the United States of America averaged about 3.2 percent. What the President's budget is suggesting is that more or less over the next 10 years we are going to see 3-percent growth, 3-percent—2.7, 2.5, 2.3. For the rest of the decade, 2.3 percent.

The bottom line is, if we continue along the same type of economic growth we have had over the previous 50 years, unemployment would be substantially lower, people would be paying more taxes, Social Security, among other programs, would be in much stronger shape.

The debate we are going to be having in the Budget Committee—I am the ranking member of the Budget Committee—are two very different philosophies. Our Republican friends believe in more austerity for the middle class and working families. Their goal, over a period of months and years, is to cut

Social Security, cut Medicare, cut Medicaid, cut nutrition programs for hungry children, not invest in infrastructure, and then give huge tax breaks for millionaires and billionaires.

In other words, more austerity for the middle class, tax breaks for the wealthy and large corporations. I believe that philosophy is wrong for many reasons, the most important being that if we want to grow the overall economy, if we want to create jobs, we have to put money into the hands of working people. We do not do that by cutting, cutting, cutting, and imposing more austerity on people who already desperately are hurting.

A far more sensible approach is to create the millions of jobs that our country desperately needs by, among other things, investing heavily in our crumbling infrastructure. Last week I introduced legislation that would invest \$1 trillion over a 5-year period into rebuilding our crumbling roads and bridges, rail, airports, water systems, wastewater plants.

If we do that, we make our country more productive, safer, and create up to 13 million jobs, putting money into the hands of working people. It not only will improve their lives, but they will then go out and spend their money in their communities, creating further economic growth. That is the direction we should be going.

We also have to raise wages. People cannot survive on the starvation minimum wage imposed at the Federal level of \$7.25 an hour. If we raise the minimum wage over a period of years to \$15 an hour, we are going to have billions of dollars go into the hands of people who need it the most, improve their lives, allow them to go out and invest in our economy, spend money and create jobs.

We need pay equity for women workers. It is not acceptable that women are making 78 cents to the dollar for men who are doing the same work. We need to address the scandal of overtime right now, where we have so-called supervisors at McDonald's who work 50, 60 hours a week, but because they are so-called supervisors do not get time and a half.

We need to make college affordable for all of our workers. In a global economy we need the best educated workforce in the world, not the one where people cannot afford a higher education. We need trade policies that benefit working people and not just large multinational corporations, which is why we should defeat the Trans-Pacific Partnership.

So there is a lot of work that needs to be done. But the bottom line is, if we are serious about dealing with the deficit and debt reduction, if we are serious about growing the middle class, we need an agenda which creates jobs, raises wages, makes college affordable, demands that corporate America start investing in this country and not in China.

We need a proworker agenda, not an austerity agenda which will strangle the middle class of this country even more than it is hurting today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my colleague from Vermont for what he has said. I would note that there are many in our State who agree wholeheartedly. We are not a wealthy State. We are a proud State. We are not a State that believes in such a huge disparity of income. So I thank the Senator for what he said, not only here but when he has made similar remarks around the country.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 356 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Texas.

#### DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. CORNYN. Mr. President, yesterday our friends across the aisle blocked—filibustered, really—a \$40 billion funding bill that would have paid the funds necessary to keep the Department of Homeland Security running through the rest of this fiscal year. I understand they had some differences over the content of the legislation the House passed, but it is undeniable that the House acted responsibly by passing this appropriations bill, particularly at a time of heightened security concerns not only here at home but around the world.

Of course, the part that I guess confused me the most is our Democratic friends said: Well, we don't want to debate the bill, but what we want is a clean DHS appropriations bill. So they wanted to get to the end of the process without even starting the process, which strikes me as odd.

As I pointed out last week during the Senate debate on the Keystone XL Pipeline, Senator DURBIN from Illinois, the assistant minority leader, spoke very sincerely in support of a process surrounding that bill. We didn't all agree that the Keystone Pipeline should be passed, but we did at least have an open amendment process that allowed everyone to express their point of view and to get votes on amendments, up or down, before concluding that piece of legislation. I think the most notable part of that was that we actually had more votes in the Senate during the 3 weeks we were on the Keystone XL Pipeline than we had all of last year under the previous management.

So it was amazing to me to see that the Democratic leadership—the Senate minority—worked so hard to marshal their caucus together to block debate on this \$40 billion appropriations bill to fund the Department of Homeland Security, especially considering the

promise of the Senator from Illinois to continue to work with us to foster an open debate process and an open opportunity on both sides of the aisle to offer good ideas and to put them up for a vote on how to improve legislation.

It was also amazing to see this outcome considering what so many of our colleagues on the other side of the aisle said last fall when the President made his Executive action on immigration.

As I said yesterday—and I want to repeat it again—we are not upset with people who are seeking a better life in the United States. All we are asking for is a legal process. We are very upset with the President violating his oath of office and purporting to make unconstitutional Executive orders. That is the problem. That is what the House is focused on like a laser.

In fact, this President's actions were a stunning display of Executive overreach. You don't have to take my word for it; take his word for it—at least the first 22 times he talked about it. He said he didn't have the authority to do it 22 different times.

Then there is the view of some of our colleagues in the minority. For example, the senior Senator from West Virginia put it simply last November when he expressed, I think, the feeling of a lot of Democrats when he said, "I wish he wouldn't do it."

This was echoed also in a very straightforward manner by the very junior Senator from Minnesota, who said, "I have concerns about executive action." Of course, it is easy to understand why because this is a uniquely legislative responsibility. The President doesn't have authority to make laws on his own—at least that used to be his position.

Then the senior Senator from Missouri said of the President's unilateral action: "How this is coming about makes me uncomfortable, [and] I think it probably makes most Missourians uncomfortable." Well, the public opinion polls I have seen bear that comment out, that while many people think we do need to fix our broken immigration system, the majority of people in the public opinion polls I have seen disagree with the way the President has tried to act by doing this unilaterally—or purporting to do it unilaterally.

Well, I have good news for Senator McCASKILL, Senator FRANKEN, and Senator MANCHIN. The House of Representatives has actually passed a piece of legislation that addresses their concerns and should give them some comfort.

The legislation on which we are trying to open debate fully funds, as I said, the Department of Homeland Security while reining in the President's unconstitutional actions. This is one of the tools available to Congress—using these legislative riders on appropriations in effect express disapproval and defund certain acts by the Executive. That is one of the tools we have available to us.

I will renew my request from yesterday to Senator REID, the Democratic leader, and ask the assistant minority leader to honor his commitment that he made when we were debating the Keystone XL Pipeline. Please work with us to achieve at least debate on the floor, if not some significant legislation. But to just throw a fit and say "We refuse to even start debate on the legislation" strikes me as more of a political move than a legislative solution.

So I would ask my friends on the other side of the aisle, who so boldly stood up to express their concerns with the President's Executive actions only a few short months ago, to again stand up—this time to their own leadership—and to join us in reining in the President's Executive overreach and to not hold hostage the \$40 billion the House has appropriated to help fund the Department of Homeland Security through the end of the fiscal year, through September 31.

If there are parts of the House bill you don't like—and there are parts of the House bill that I have concerns over and that I hope we have a chance to vote on, but that is the way the House and the Senate are supposed to relate to one another. The House passes legislation, the Senate passes legislation, and if they are different, then they get reconciled in a conference committee or through a ping-pong back-and-forth before they go to the President. But to throw a fit and say "We refuse to do our job of legislating" just because they don't like where we are starting is extraordinarily counterproductive and is an unfortunate return to the dysfunction I believe the voters repudiated in their vote on November 4. So we will see whether there is a different point of view.

I know the majority leader, Senator MCCONNELL, will come back to the floor and ask to reconsider the vote from yesterday, and so there will be another opportunity for our friends across the aisle to reconsider their vote blocking even beginning considering this legislation. I hope they will reconsider and join us and try to come up with a consensus solution.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Missouri.

Mr. BLUNT. Madam President, I wish to follow up on what the majority whip has been talking about.

Clearly the country is and should be concerned by the President's unilateral Executive action on immigration. He announced this action on November 20 of last year. The majority whip has already gone down that list of a number of our colleagues on the other side who said this is the wrong way to do this. The House happens to agree. In fact, the House of Representatives has passed legislation that agrees that this is the wrong way to do it and try to come up with a remedy.

Frankly, there is a better remedy. We are not going to find that better

remedy if we don't have a debate. We are not going to find that better remedy if we don't come to the floor and say: Here is how we think that bill should be changed.

The action taken last November by the President was clearly Executive overreach. It was an affront, I believe, to the rule of law, and it was an affront to the Constitution. Article II, Section 3 of the Constitution states that the President "shall take care that the laws be faithfully executed." That is the end of the quote right out of the Constitution. It couldn't be clearer—"shall take care that the laws be faithfully executed."

That is why we call the President the Executive. The President's job is not to make the law. The President's job is not to rule as a court would on the law. The President's job is to execute the law. The question here is: Does the law matter or not? The question here is: What do we do when the House of Representatives has passed a spending bill that would allow the funding for the U.S. Department of Homeland Security for the rest of the fiscal year—between now and September 30—which does try to stop President Obama's Executive amnesty plan?

It appears, if you can believe what you read that people have said, that a substantial majority of the Senate agrees the President shouldn't have done what he did. So what is our obligation to try to undo that? The House has done their part by sending a bill over that does that.

The President himself said 22 times that he didn't have the authority to do what he eventually did. I guess this is one case where I agree with the President 22 times. So if anybody is thinking I don't agree with the President, here are 22 times I agree with the President—the 22 times he said he couldn't do what he eventually decided to do. And what was that? The President said he can't unilaterally change the country's immigration laws.

The President didn't have that authority the 22 times he said he didn't have that authority. He didn't have that authority on November 20, 2014, when he took actions that clearly were designed not to enforce the law, and he doesn't have that authority now. So the House sent a bill over that tries to clarify that the President doesn't have that authority; that the legislative branch of the Federal Government is the House of Representatives and the Senate of the United States. It is not whoever gets to act last.

Occasionally, the President will say: I am going to take Executive action if the Congress doesn't do its job. Well, the key point there is that it is the job of the Congress to pass laws, not the job of the President. If the President wants to repeal the law, if the President wants to change the law, nobody is in a better position than the President of the United States to encourage the Congress and the country to do



that. But that doesn't mean the President has the default option, if the Congress doesn't act by some certain date, to just do it himself. That is not in the Constitution. The President is not going to find it there.

I continue to believe the House-passed Department of Homeland Security funding bill is the way to send a message to the President that he can't act unilaterally; that there is a constitutional way to do this. I have not given up on winning over six Democrats in the Senate. Everybody understands the importance of 60 votes in the Senate. There are 54 Republicans, not 60, but there are more than six Democrats who have said they didn't agree with what the President did. I think in all cases they have said they agree with the funding levels or they would vote for the funding levels for the Department of Homeland Security. It seems to me those two things come together pretty nicely here. They get a chance, by debating this bill, to undo what the President did and to fund the Department of Homeland Security. So there are at least six Democrats who have said those are two different things they are for, and this is a case where we get to do that.

We need to pass this House measure that ensures spending at an important time with critical needs of homeland security, but it also would stop the President's illegal amnesty. We should not let that stand. We don't know where these legislative fights will wind up until we have them. Maybe that is why no Democrat yesterday was willing to have this debate, because maybe they do not know what happens if attention is called to the past positions they have had or the need to fund the Department of Homeland Security. But we don't know how these legislative battles work out if we don't have them. I think we need to have this one.

Leader McCONNELL said our first choice is to try to pass the House bill. If the law shouldn't be followed, then advocate that it be repealed, advocate that it be changed, but don't advocate that it be ignored. The ignore clause of the Constitution doesn't exist. There is no ability of the Executive to do that.

The United States is a nation founded on the rule of law. With every trade agreement we enter into, with all our relationships with other countries, and with people who come here, we talk about this being a country where you can look at the law and rely on the law itself—no matter what your status. The President is to take care that the laws are faithfully executed. Yet President Obama repeatedly has found ways to circumvent the Congress by picking and choosing which laws he wants to enforce.

Take the case of the overwhelmingly complicated health care law, where the President is picking and choosing what dates the law is to be complied with, even though the law often has very clear other dates. The President said: Well, I think there is a better date.

This is a bill of which the President was a major advocate. He had a chance to put the dates in there and didn't.

I recently reintroduced the ENFORCE the Law Act to ensure the President can't just continue to blatantly not do what the law says has to be done. This is a bill I introduced in the last Congress, where it passed the House with a bipartisan vote, but we weren't allowed to vote on it in the Senate. Apparently, there are a number of my colleagues who think that not only are we no longer allowed to vote on bills, but now it is even a bad idea if we debate a bill. That is what the vote was yesterday—to debate the bill. It wasn't approving anything except to debate the bill. That is what we should be moving towards now so we can fund this part of the government. The President complicated the funding of this agency with his action last November.

The ENFORCE the Law Act permits the Congress, if the Congress believes the President isn't enforcing the law, to go to court—not to wait months and years for an aggrieved citizen to go to court with their own money and say he or she does not believe the government has the authority to do something. This allows the Congress to go to court and to go early and let a judge decide if the law is being enforced as written or not.

The ENFORCE the Law Act would re-establish the proper limits of the executive branch. It would restore checks and balances. It would also provide a defender of citizens who, in their own capacity, don't have to defend or fight the government by themselves if the Congress itself believes the President has taken authority that he doesn't have or is enforcing the law in a way that wasn't intended.

I think we have to stand up for the rule of law. I have joined in a court case supporting the State of Texas. Texas is suing the administration over what they believe are all kinds of added expenses put on them by the President's power grab in deciding on his own which immigration laws would be enforced and which won't be. Senator CORNYN, Senator CRUZ, and I were signatories to this brief filed in December, and 24 House Members joined us, including the chairman of the Judiciary Committee, saying we agree with these States and that many responsibilities have been placed on them because the President of the United States chose not to enforce the law as written.

Twenty-six States have now joined that lawsuit filed by the State of Texas, and I look forward to the conclusion of that suit because I think the judge is likely to decide that, no, there isn't the selectivity of which laws you enforce that the President has applied here, and there are great costs created for States as a result of that.

Every Senator in this Chamber has a constitutional obligation to curb the unilateral Executive overreach. We

have a chance to do that with the bill that could be before us. We have a chance to do that with the bill the House has sent over. This whole issue goes to the very heart of the system of checks and balances in our country and reiterates the importance of the Constitution and following the Constitution—adhering to the rule of law.

I would like to see us have a chance to do that, as this Department of Homeland Security funding bill should—and eventually, I am confident, will—come to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, it is good to follow my good friend, the chairman of the Committee on Rules and Administration, on which I am ranking member. I don't agree with him, but he is a fine man.

Now, I rise to dispel attempts by the other side of the aisle to dodge responsibility for funding the Department of Homeland Security in a responsible way. Here is what is happening. The rightwing of the Republican Party is risking a Department of Homeland Security shutdown to get their way on immigration. They are saying: Take our hard-right stance on immigration or we won't fund national security.

Most Americans don't agree with that view. Most Americans are for a rational immigration policy. A large majority in this body—bipartisan, led by Senator MCCAIN and myself—voted on that in 2013. But we have a small group, led by the junior Senator from Texas, who say: It is our way or we are going to shut down one of the premier agencies dedicated to our security.

As I said when I engaged in a colloquy with my good friend from Texas, our Republican colleagues have the majority. They can debate immigration any time they want. In fact, we welcome that debate. We think the American people are on our side. We are willing to have that debate. We are eager to have that debate but not with a gun put to the head not only of us but of the American people. Do what we, a narrow minority, want or we are going to shut down the Department of Homeland Security—at a time when security is of utmost importance given what has happened around the world and what we just saw happen to the Jordanian pilot yesterday.

This strategy makes no sense. The junior Senator from Texas is leading his party at best into a cul-de-sac, and at worst over a cliff. We are not going to be taken hostage. If my good friend the majority leader, Senator McCONNELL, thinks that by bringing this bill up again and again it is going to change what happened yesterday, it is not. So we are saying to the other side: Now that you have seen the vote, now that you have shown Speaker BOEHNER that we can't pass his bill in the Senate, get real. I say get real, to my friend the majority leader and to the Speaker of the House.



Let's roll up our sleeves, and let's work out a Department of Homeland Security bill and pass it. Let's not hold that agency hostage. Let's not just renew them every couple of months. As the Secretary of DHS said yesterday, that is like getting a car and only giving it five miles of gas at a time. It just doesn't work. So get real. Let's negotiate a DHS spending bill.

I know our Senator from Maryland, the ranking member of the Committee on Appropriations, and the Senator from New Hampshire, the ranking member of the Subcommittee on Homeland Security of the Committee on Appropriations, are eager to sit down and pass a bill that we can all agree on in terms of funding Homeland Security, and then we can debate immigration. Then we can debate immigration—but no hostage taking and none of this bullying. None of this: If you don't do it my way, I am going to hurt a whole lot of innocent people. That didn't work in 2013 when Republican numbers plummeted after they tried to shut down the government, and it won't work today.

We will not allow a government shutdown. We will not allow hostage-taking. We will ask our colleagues to get reasonable, do things the way they used to be done, debate each issue on the merits. They have the floor. They can debate any issue they want and move forward.

I will say one other thing to my Republican colleagues: The junior Senator from Texas has you tied in a knot. I say that to Speaker BOEHNER as well: Speaker BOEHNER, the junior Senator from Texas has you tied in a knot. Now you are going to have to find a way to untangle it. We will not be bullied. We will not be told we have to negotiate because you seek to hurt innocent people and hurt our security. We will move forward.

So let me suggest the way to go forward: Let's put a good, clean Homeland Security bill on the floor. Let's make America secure. Then, separately, we are happy to debate immigration to the Republican Party's heart's content, but let's stop this govern-by-crisis mentality, especially when national security hangs in the balance.

So I urge Speaker BOEHNER, I urge Senator MCCONNELL to come to their senses, end this wild goose chase and let us vote on a clean bill forthwith.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Madam President, I wish to talk about the necessity of having an appropriations bill for the Department of Homeland Security and the fact that it is being held up over

the issue of folks in the House of Representatives who do not want to appropriate money for the actions that the President has taken in trying to improve a dysfunctional immigration system. Holding up the funding for the Department of Homeland Security appropriations is absolutely ridiculous, in the opinion of this Senator.

The fact is the clock is ticking because the funding runs out in just a couple of weeks—February 27. What does the Department's name imply? Keeping the homeland secure.

In one regard, that means cyber attacks. Doesn't it occur to someone that we have had an extraordinary number of cyber attacks recently? Most everybody will remember Sony. People were attacking us because they wanted to stop the expression of free speech, in this case with regard to a movie the Sony company had produced. Because they got in and got all of the personal data and were manipulating the internal controls of the company with this cyber attack, it is the Department of Homeland Security that is charged. Hopefully, if we can ever pass a cyber security bill that can be signed into law, the portal through which the early warnings will come will be the Department of Homeland Security. By the way, that cost the Sony corporation about \$100 million.

How about what happened to all of the customers of Target: Addresses, phone numbers, and e-mail addresses were taken from 70 million Americans who were customers of Target.

How about Yahoo: Passwords and user names were exposed to cyber attacks.

How about eBay: Users' passwords, because of a cyber attack, had to be changed because they were compromised.

How about a number of major banks, including JPMorgan Chase: Seventy-six million households and seven million small businesses' accounts were affected by the attack.

How about Home Depot: Six million accounts were put at risk.

That ought to be enough to continue the funding of the Department of Homeland Security, but there is a lot more.

Most folks understand that TSA, which checks us as we go through the security at airports, at seaports—TSA is a part of the Department of Homeland Security. Are we going to cut off the funding for TSA—TSA that is now trying to stop the new kind of attacks with nonmetallic explosives?

Remember, because of our intelligence apparatus, working through liaison partners in other countries, about 2 years ago a cartridge in a printer was discovered ultimately going onto an airplane that was bound for the United States—that was a non-metallic explosive. We were fortunate we got that, but they continue.

These folks who are trying to attack us all over the world are trying very ingenious ways to avoid the security,

and we rely on TSA—especially at American airports—to protect us.

We simply in a couple of weeks can't afford for the appropriations to stop.

How about immigration, U.S. Customs and Border Protection: Again, another responsibility of the Department of Homeland Security, and we are going to cut off the funding on what kind of folks are coming across our borders and what kind of folks we are going to be checking and rechecking and what kind of things they are bringing into the borders.

There are a lot of people who want to get into this country to do us harm. That is the responsibility of the Department of Homeland Security.

So it is not only ridiculous to this Senator, it is almost silly. But the problem is it is tragic, and it could be horrendous given the fact that people around the world are trying to harm us as we try to protect ourselves in our national security every day.

This is a debate we should not be having. Unfortunately, it is a condition our politics have come to, and we need to stop that condition.

I leave the Presiding Officer on a happier note. As the Senate goes into recess at the conclusion of my remarks, happily all of the Senators are going to a bipartisan luncheon where we are going to talk about things we can do together. Indeed, that is the happiest thing I have heard today.

Madam President, as I yield the floor, I understand that pursuant to the previous order, the Senate will stand in recess.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mrs. FISCHER).

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the time until 2:45 p.m. be equally divided in the usual form, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I come to the floor in my position as the vice chair of the Appropriations Committee to urge the Senate to pass a clean Homeland Security appropriations bill.

Yesterday the Senate rejected a procedural vote to take up the House Homeland Security funding bill. This is not about debating the weeds over this bill versus that bill. There are two distinct differences. The House bill has the funding for fiscal year 2015 in it that would take care of every single agency under the Department of Homeland Security to defend and protect the Nation, but at the same time it is loaded with five immigration riders that we call poison pill riders because the President said if legislation to fund Homeland Security passes with these five immigration riders, he will veto the bill.

The President wants to fund an appropriations bill, and so do I. The House Homeland Security bill, if taken up by the Senate, would simply be a delaying tactic. We would talk, we would debate, we would offer lots of amendments on immigration, and after we got lots of amendments on immigration it might go to the President. The President would veto it, and it would come back, and after all is said and done, more would get said than gets done. We have to pass the funding for the protecting of the homeland.

Yesterday the entire world was gripped with poignancy and sorrow about the ghoulish murder of a Jordanian pilot. The threat of terrorism is in the world—attacks by ISIL on people, the possibility of a lone wolf in our own country, a cyber attack in retaliation because we dare fight back against ISIL or because we are willing to challenge some of the other international predators directed at us. We have to protect the United States of America. That is what the Department of Homeland Security does. The Department of Defense protects us over there; the Department of Homeland Security protects us here.

After 9/11—one of the worst days in our country's history—the Congress came together, and we passed legislation to create the Department of Homeland Security so we could take every agency that was involved in protecting the homeland and put them under one umbrella so they could look out for us. Now we need to look out for them. Every day we ask men and women to serve in the Coast Guard, in the Secret Service, in the Border Patrol protecting our borders, in Customs making sure fraudulent products such as counterfeit drugs are not crossing our borders into our country. Now we need to pass that bill. We need to make sure we do not have a shutdown or a slamdown when the funding expires on February 27.

In December when I chaired the committee, in the closing hours of the past Congress, I worked with my subcommittee chairman, Senator Landrieu, the vice chairman of homeland security, Senator COATS, and we put together a crucial funding bill that totalled \$46 billion to invest in agencies that protect us. It was \$1 billion more—\$1 billion—than the continuing

resolution. We could have taken up that bill then, but there was a desire, because of controversy over the President taking Executive actions on immigration, not to do it. So now here we are in February. Now it is our time to fund a clean Homeland Security bill.

Immigration is a serious policy issue. I don't dispute that. It deserves serious debate. But don't add it as a series of riders on the funding bill; rather, let's take up immigration separately.

I remind our colleagues that in the last Congress this Senate passed a comprehensive immigration bill, only to have it die in the House. So we say let's pass our bill again, let's have the House take it up, and let's have a real debate on it, but in the meantime, we will have funded the Homeland Security bill.

This isn't BARB MIKULSKI talking about more government spending. Every past head of the Department of Homeland Security has urged the Senate to pass a separate bill. Tom Ridge, the original chief executive of this agency; Michael Chertoff, who also served under President Bush; and Janet Napolitano are calling for it, and so am I.

Right now our Coast Guard is out there safeguarding our waterways. We in Maryland just love our Coast Guard. We love them because, No. 1, they are always there for search and rescue; No. 2, they are always there to protect our bay. Whether it is against a possible oilspill or drug dealers trying to sneak up the bay, they are there. We also know how brave they were. We all recall how, with helicopters, they went in and rescued people during the horrific Hurricane Katrina, and they do it every day.

Then there is the Secret Service. The Secret Service is in the process of reforming itself. They need to protect the President, the Vice President, the First Families. But you know what—they are also out there being the government G-men, fighting things such as credit card fraud.

Then there are the cyber warriors protecting our critical infrastructure—our banking, our power grid.

Then there is FEMA, which right now is responding to disasters, whether it is a blizzard or a hurricane.

Then there are State and local responders. One of the programs I am so proud of in the Department of Homeland Security is the Fire Grant Program. The Fire Grant Program is a competitive grant program—not an earmarked program, a competitive grant program—where local fire departments, particularly those in our rural communities, can apply for a grant to buy the necessary equipment they need to protect them so they can protect us.

I know the Presiding Officer is familiar with this in Nebraska. Turnout gear for a firefighter—the respiratory equipment to protect their breathing, the telecommunications, the fire-retardant/repellent material—can cost as

much as \$1,000 to \$2,000 per firefighter. They cannot do this with pancake breakfasts. They cannot do it with fish fries and chicken dinners. They need the help of their own government to help them.

So I say let's pass a clean Homeland Security bill. Let's stop terrorist threats. Let's secure our borders. Let's safeguard our waterways. Let's make sure we are protecting our homeland and move to a clean bill.

Ms. MIKULSKI. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided between the parties.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Thank you, Madam President.

I was very pleased to hear the ranking member of the Appropriations Committee, Senator MIKULSKI, who has done such great work on the committee in putting together the bipartisan agreement that was negotiated last December with the chairman of the House Appropriations Committee, Congressman ROGERS. That was a bill which, as the Senator pointed out, funded the efforts of the Department of Homeland Security to keep people safe, to address emergencies, to try to protect us from cyber security threats—a whole range of efforts at the Department.

I want Senator MIKULSKI to hear a comment that I understand was made by the House Appropriations Homeland Security Subcommittee chairman JOHN CARTER, who is a Republican from Texas. When he was asked about what the outcome of this debate would be on funding the Department of Homeland Security, his comment was, "Ultimately, there may be a clean bill."

Well, I say to Senator MIKULSKI, if the House Republicans and the chair of the subcommittee in the House are acknowledging that ultimately there may be a clean bill to fund the Department to do what was negotiated by you and Congressman ROGERS last December, doesn't it make sense that we should get a clean bill done as soon as possible so there is certainty for the Department of Homeland Security so they can continue the planning efforts and they can continue to address the threats to our national security? Shouldn't we just get this done now and stop this ideological fighting and putting at risk people of this country because somebody has an ideological concern about this bill?

Ms. MIKULSKI. First of all, I thank the Senator for bringing Representative CARTER's comments to my attention. I absolutely agree with the Senator's analysis and also with the comments by Representative CARTER. We

should have a sense of urgency in passing the Homeland Security bill. The terrorists and the bad guys—whether they are organized crime trying to get across our borders, whether they are the terrorists watching us—they are saying: Hey, they are so busy fighting each other, they don't have time to think about fighting us. They are watching us and laughing at us because while we squabble and quibble and dribble, they are out there plotting against us.

I say to the ranking member of the subcommittee, I do think there is a sense of urgency.

I also wish to comment on the House. When we were working in the closing hours on the actual money part of the bill, I found remarkable bipartisan consensus. Left to our own analysis about how to be wise stewards of the taxpayer dollars for important security investments, there was wide bipartisan agreement. There may have been a different priority here or there, but by and large we knew exactly which public investments to make. And you know what—we did it within the caps, we did it within the allocation, and we got the job done.

We could do this job this afternoon. I feel a great sense of urgency because while the bad guys are plotting against us, we are busy plotting how we can fight each other.

Mrs. SHAHEEN. Madam President, I certainly agree with the ranking member of the Appropriations Committee. I will just point out that in the last 2 days, we have heard from the Conference of Mayors, which has urged us to pass a clean bill to fund the Department of Homeland Security. We have heard from the emergency managers across this country who are concerned about the risks of assistance for disaster relief and for FEMA, and today we got a letter from the National Association of Counties urging the passage of a clean bill to ensure that the safety of our communities can be maintained.

As the Senator said, we should not put these communities at risk, the efforts that are going on across this country to keep the Nation safe, because there are those people who are angry at the President about an Executive action. We can have that debate, but we should have that debate separately. We need to fund the Department of Homeland Security now to ensure that there are no risks to our citizens.

I thank Senator MIKULSKI and the Presiding Officer.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FLAKE). Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, yesterday I spoke about the importance of voting yes to proceed to the Department of Homeland Security appropriations bill for 2015, H.R. 240. That motion was unsuccessful. Despite all the voices from the other side of the aisle expressing support for the Department of Homeland Security, they refused to actually proceed to debate the bill.

My friends on the other side of the aisle have expressed concern that the bill is not 100 percent of what they want. In my experience, it is rare for anyone to get 100 percent of what they want when it comes to passing legislation, and that is certainly true when it comes to passing an appropriations bill. I am not talking about a vote on final passage or even a vote on amendments. I am talking about a vote to proceed to the debate on this bill. In addition to having the opportunity to offer amendments, an important part of the debate on a bill is the ability of any Senator to raise a budget point of order.

My counterpart, the distinguished ranking member of the Homeland Security Appropriations Subcommittee, has pointed out that there are budget points of order against the bill. But the point I would make is that in order for her to raise the budget point of order, you have to actually proceed to the bill.

I am certainly willing to acknowledge her budget points of order, which she brought up on the floor yesterday, but the point I am making is we have to proceed to the bill in order to debate those budget points of order and, in fact, vote on them.

The minority refuses to move to the bill because they object to the amendments added by the House of Representatives. The House went through its process, and now it is time for the Senate to go through its process. That is how the system works. That is regular order.

Last week, after the consideration of many amendments, we passed the Keystone XL Pipeline bill with a bipartisan vote of 62 Senators. There were rollcall votes on 41 amendments.

Since I introduced the Keystone bill, I would have thought it would have been great if we could have just passed it with an up-or-down vote, but that is not how the Senate is designed to legislate. Instead, we vote to proceed to a bill so we can debate it, offer amendments, and work to develop consensus.

I am aware that it has been a long time since we had regular order in the Senate. We are not used to bringing a bill to the floor and debating amendments. But instead of embracing regular order, something we were denied in the previous Congress, we can't even proceed to debate and offer amendments on this bill—an important bill that we need to take up and address.

The contents of H.R. 240 represent the bipartisan prerogatives and priorities of Congress. Again, the House went through its process. What we are

asking for now is for the Senate to do the same—to go through the process, go to the bill, and do the work we were sent here to do.

I discussed the merits of the bill at length earlier, but I will go through some of the highlights again just to remind my colleagues what is in the bill and why we are here. This bill will support the economic prosperity, public safety, and security of the American people.

This bill provides \$39.67 billion in net discretionary appropriations, plus \$6.4 billion in disaster funding. That includes \$10.7 billion for Customs and Border Protection, CBP, and that is an increase of \$119 million over fiscal year 2014. It supports record levels of personnel, tactical infrastructure technology, and air and marine assets.

The bill provides \$5.96 billion for Immigration and Customs Enforcement, ICE. It maintains a record 34,000 adult detention beds and 3,828 family detention beds.

The bill provides strong support for the Secret Service, an organization that requires congressional oversight, given some of the recent incidents, and is \$81 million above fiscal year 2014 funding.

The bill provides the funding necessary to construct the National Bio and Agro-Defense Facility, NBAF, in Manhattan, KS.

It provides more than \$10 billion for the Coast Guard, including the 8th National Security Cutter, and takes a serious step to address the near-term, heavy-ice breaker needs with \$8 million for preserving the ship *Polar Ice*.

The bill supports our cyber security efforts, both protecting government operations and working with the private sector to share threat information and protective measures.

Since homeland security is a national effort, the bill provides continued funding for grant programs to State and local firefighters, emergency managers, and law enforcement.

The bill also provides for research and development, TSA's aviation security screening operations, the Federal Law Enforcement Training Center, and E-Verify, which supports businesses across the United States in hiring legal workers.

Finally, the bill provides a requested \$7 billion for the Disaster Relief Fund to assist with recovery costs for communities when they are hit by natural disasters.

What the bill does not fund is the President's Executive actions. The House bill includes several amendments that are targeted at reversing the President's actions and articulating priorities for immigration enforcement. If that is concerning to my colleagues on the other side of the aisle, then allow us to proceed to the bill so we can debate these important issues.

We have returned to regular order in this Chamber, and with that comes the responsibility to debate, offer amendments, and vote on legislation. That is

what we are asking to do, and that is what we are calling on our colleagues to do. That is what the American people want us to do. That is what we are here to do.

I urge my colleagues to vote in favor of proceeding to H.R. 240 so we can do our work.

With that, I yield the floor.

Mrs. SHAHEEN. Mr. President, will my colleague from North Dakota, the chairman of the Subcommittee on Homeland Security, yield for a question?

Mr. HOEVEN. Mr. President, I will.

Mrs. SHAHEEN. I appreciate the work my colleague has done on this funding bill, and I think we certainly agree on the funding that is in the bill. That is not what the debate we are having is about.

I ask the Senator from North Dakota if he has heard the comments of Chairman JOHN CARTER of the House Appropriations Subcommittee on Homeland Security, a Republican from Texas, who said: "Ultimately, there may be a clean bill."

If the House is acknowledging that ultimately we may have a clean bill to fund the Department of Homeland Security, doesn't it make sense that we would move forward to get this funding done, and we would make sure there is certainty to address the risks facing this country?

We can debate immigration. I don't think there is anybody on the Democratic side who doesn't want to have an immigration debate. We are happy to have it. But we should have that as a separate debate. As the Republican majority knows, they control the debate in the Senate. So they can decide to bring up an immigration bill as soon as we pass funding for the Department of Homeland Security. So I hope, as the House suggests, ultimately there is going to be a clean bill and that we would pass it as soon as possible to provide certainty and then move on to debate the other issues facing this country.

I ask my colleague from North Dakota if he has spoken to the chairman of the House Appropriations Homeland Security Subcommittee, and does he share his view that ultimately there may be a clean bill?

Mr. HOEVEN. Mr. President, I am pleased to respond to the question of my counterpart on the Subcommittee on Homeland Security in the Senate, and I want to begin by acknowledging and stating again that I enjoy working with her. We have worked together on other committees and other issues, and I think there will be other issues we will work on together.

I am pleased to have this discussion with her because this is exactly the kind of debate we are asking for. We are asking to proceed to this bill so we can debate and, in fact, offer amendments. So what we are saying is—whether it is our colleagues on the House side or whether it is Members of the Senate—let's follow regular order,

have the discussion, have the debate, offer amendments, and see where we end up.

Now, I believe the President's actions exceeded his authority in regard to his Executive order regarding immigration. Let's have that debate. Let's go to the bill so we can actually do the work we were sent here to do, where we discuss, debate, and offer amendments. If my esteemed colleague feels there is an amendment she should offer that would change this bill to bring it in line with the opinions of House Members or other Members of the Senate, then she will have the opportunity to do that, as will her colleagues, as will we. That is the point.

So the answer to the question is: We don't know where we end up if we don't get started. So let's get started. That is what we are saying. Please join with us. Just as in our committee, we will have many committee meetings where we will debate issues and where we will take amendments from our fellow Senators who are on that committee. But we can't do that if we don't bring the bill to the committee and get started. That is what we are asking to do on the Senate floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I point out to my colleague that Senator MIKULSKI and I have introduced a clean bill that addresses funding for the Department of Homeland Security.

The fact is we find ourselves in this situation on the appropriations bill because of the riders that were attached by the House of Representatives. Those riders defund immigration directives that were issued by the President last year.

Yesterday, the senior Senator from Texas suggested that Senate Democrats don't want to debate immigration. In fact, we are happy to debate immigration. In fact, this body, in 2013, passed a comprehensive immigration reform bill with a very strong bipartisan vote.

The debate we are having today is about whether we are going to fund the Department of Homeland Security. The bill that is before us raises concerns about what is in the original clean bill that funds the Department of Homeland Security.

As the Senator from North Dakota and I were just discussing, Senate Republicans control the Senate. If they want to vote on immigration measures, they can bring a bill that would do that to the floor by the end of this week because they control what we consider in the Senate. But the issue that is before us today is whether we are going to fund the Department of Homeland Security. This is an issue that is critical because right now our Nation faces serious national security and terrorism threats.

This bill is not about the President's Executive action; it is about whether we are going to fund the Department of

Homeland Security. Since we have heard from so many of our Republican colleagues that they want to discuss immigration and border security, I spent some time yesterday speaking about all of the important investments that a clean, full-year funding bill for the Department of Homeland Security would make in our border security. If we don't pass a clean funding bill, we will fail to make significant upgrades to technology on the border. We will fail to fund expanded enforcement activities for immigration officers. If we are serious about border security, we should support a clean full-year bill to fund the Department of Homeland Security.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. SHAHEEN. I ask unanimous consent to speak for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. I thank the Chair.

I also think it is instructive at this time to note for the RECORD that included in the Executive actions that Republicans are trying to defund are provisions that increase border security, prioritize enforcement resources, and ensure accountability in our immigration system. The House bill that is before us today defunds—takes away the money—for the new policy of prioritizing criminals and national security threats for removal from the United States. So one of the orders that have been issued by DHS that Republicans want to defund directs law enforcement officers to place top priority on removing national security threats, convicted felons, gang members, and illegal entrants apprehended at the border.

The House bill also defunds increased and strategic border security.

Another one of the memos issued by DHS is on the Southern Border and Approaches Campaign, which establishes three joint task forces to reduce the terrorism risks to the Nation, combat transnational criminal organizations, and prevent the illegal flow of people and goods along our border. So that is another part of this legislation our colleagues want to defund.

It doesn't make sense, if we are concerned about border security, that we would want to pass a bill that includes measures to defund these efforts.

I understand my time has expired. I certainly hope everybody understands what the bill before us, which includes those five House riders, would actually do.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I wish to take a moment to respond to some of the points made by the Senator from New Hampshire. She indicated defunding provisions, but understand that this relates to Executive action undertaken by the President. The very same prioritization in terms of enforcement is funded in the underlying bill

for enforcement of immigration law. Those prioritizations are there.

The other point I wish to make is that the Senator speaks about funding the Department of Homeland Security and their desire to fund the Department of Homeland Security. That is exactly what this bill does. This bill fully funds the Department of Homeland Security. There really is consensus between the House and the Senate that it does it very well. That is what this bill does. It funds the Department of Homeland Security.

So they are saying they want to fund the Department of Homeland Security. That is what this bill does, and that is why we have to proceed to it in order to accomplish full-year funding for DHS.

The third point I will make briefly is that the Senator referred to a bill that she is sponsoring with the Senator from Maryland to fund DHS—to fund the Department of Homeland Security—and she wants to proceed to that bill. Well, the way to do that is to vote with us to get on the bill before us—H.R. 240—and then they can offer that as an amendment, and we will debate it and we will have the vote.

So if the Senator from New Hampshire wishes to have the opportunity to debate her legislation and vote on her legislation, then let's vote to invoke cloture on this motion to proceed, let's proceed to the bill, and we will allow our colleagues to offer amendments which we can debate and vote on. We are offering the other side the opportunity to do exactly what they have asked to do.

Most importantly, again, I wish to go back to the point I just made. This bill fully funds the Department of Homeland Security for the full year, and we are being blocked from going to the bill, debating the bill, allowing amendments on the bill, and getting to the final product for the American people, while working with the House. Remember, we have to produce a product that passes the House, too, to fund the Department of Homeland Security for this country.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I move to proceed to the motion to reconsider the motion to invoke cloture on the motion to proceed to H.R. 240.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I move to reconsider the motion to invoke cloture on the motion to proceed to H.R. 240.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015.

Mitch McConnell, John Cornyn, Richard Burr, Jerry Moran, John Thune, Johnny Isakson, Marco Rubio, Roy Blunt, Pat Roberts, Deb Fischer, John Boozman, David Vitter, Tim Scott, Roger F. Wicker, Richard C. Shelby, Michael B. Enzi, Rand Paul.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 240, an act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes, shall be brought to a close, upon reconsideration?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 52 Leg.]

#### YEAS—53

Alexander	Ernst	Paul
Ayotte	Fischer	Perdue
Barrasso	Flake	Portman
Blunt	Gardner	Risch
Boozman	Graham	Roberts
Burr	Grassley	Rounds
Capito	Hatch	Rubio
Cassidy	Hoeven	Sasse
Coats	Inhofe	Scott
Cochran	Isakson	Sessions
Collins	Johnson	Shelby
Corker	Kirk	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	McCain	Toomey
Cruz	McConnell	Vitter
Daines	Moran	Wicker
Enzi	Murkowski	

#### NAYS—47

Baldwin	Heinrich	Nelson
Bennet	Heitkamp	Peters
Blumenthal	Heller	Reed
Booker	Hirono	Reid
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Coons	McCaskill	Udall
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	

The PRESIDING OFFICER (Mr. TOOMEY). On this vote, the yeas are 53, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Indiana.

#### MORNING BUSINESS

Mr. COATS. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with

Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana.

#### THE PRESIDENT'S BUDGET

Mr. COATS. Mr. President, I wish to make some remarks about the President's budget, which was presented to us on Monday of this week as his annual proposal to Congress.

Given our country's enormous fiscal challenges and the results of the 2014 midterm election, I think there was hope among many of us that the release of this budget would be an opportunity for the President to work with us.

There was a lot of talk about working with Congress, working together. The message from the November 2014 election was that the American people want Congress to get some things done. And by the way, what about the continuing deficit? Are we going to get back to this draconian knife held over our throats, where the budget continues to put us in a position where debt and deficit continue to be the plague which is going to have enormous, negative consequences on the future of this country?

Given these enormous challenges, there was really hope the President with his last 2 years, would see as part of his legacy an opportunity to work together to put us on a sound fiscal path. But much like the coach of the Seahawks on the 1-yard line, the President chose to make the wrong call.

In this case, in my opinion—and I think the opinion of many—the right call would have been a plan that actually puts us on a path for a balanced budget, addresses a skyrocketing mandatory spending burden and reforms our outdated Tax Code. These are, hopefully, ideas that both Republicans and Democrats could agree on. They would be in our national interest to move forward on. The time is now—with a Democratic President and a Republican Congress—to work together to achieve what Ronald Reagan and Tip O'Neill agreed to and what Bill Clinton and Newt Gingrich agreed to on welfare reform and on a number of other major initiatives that had been undertaken in Congress with support from both parties. They could be addressed.

But instead of pursuing a path of consensus on these issues, the President comes forward with \$2.1 trillion in additional tax increases over the next 10 years. Is there any end to the obsession the President has for raising taxes on the American people?

All the debate at the end of the last cycle—the previous cycle before the last cycle—was over the fiscal cliff. Let's raise taxes on the richest people in America and the high earners, and that will address the problem of taxes. But we never could get to the spending issue.

So if you like government to just keep increasing: Send your tax dollars

to Washington, and we will spend it. That seems to be what the President had to say. Rather than looking at the dire consequences of not addressing these long-term problems, the President proposes to spend nearly \$4 trillion in fiscal year 2016, a 7-percent increase from fiscal year 2015 and about \$1 trillion more than what was spent in 2008. The President wants to eliminate the very budget caps that his administration proposed and he signed into law in 2011.

Well, it may be one thing to adjust those budget caps, particularly as it impacts our national defense and national security, but if that was done in conjunction with a larger proposal to address this out-of-control mandatory spending, wasteful spending, and unnecessary spending that is taking place here in Washington, that would be one thing to consider.

But this simply is just more of the same, going in the same direction, proposing unbalanced budgets each year, and adding more and more to our deficit and to our debt.

The President likes to talk about his veto pen and, with the release of this budget, we can only conclude that pen only contains red ink. The President has taken a pass on the golden opportunity to move forward and work together. Instead, his budget takes us in the same direction we have been going in the past 6 years without any proposal to address it in any kind of serious way. I think it is imperative that we do that.

Just last week, the Congressional Budget Office released its latest economic report and the findings were, once again, very sobering. This non-partisan report warned that under current law our "large and growing federal debt would have serious negative consequences, including increasing federal spending for interest payments; restraining economic growth in the long term; giving policymakers less flexibility to respond to unexpected challenges; and eventually heightening the risk of a fiscal crisis."

The CBO projects that the gross Federal debt is expected to raise another \$10 trillion over the next decade. The report also says that we will spend down almost \$800 billion of the Social Security Trust Fund over the next 10 years.

Ten years from now, it is projected that spending on mandatory programs and interest on the debt will consume almost 94 percent of all Federal revenues, leaving far fewer funds for other important national priorities, such as strengthening our infrastructure, national defense, medical research, education, and any number of issues that could be dealt with on a national basis that would affect the future of this country. But it will not be able to be done because we have not taken these steps. Time is running out to make the tough fiscal choices now so future generations will not be saddled with an even higher burden of debt.

I regret the President has yet to come forward with the serious intent of working with us to deal with one of our country's most challenging and most pressing problems with creative solutions. We will only be able to accomplish the results we need if we work together, as the President has said. But it takes his engagement if we are going to succeed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. First, Mr. President, I commend my good friend, the Senator from Indiana, for his good work on laying out, with the Senator from Oregon, one approach on reforming the Tax Code and his willingness to look at this issue of our national debt.

Let me echo, at \$18 trillion—he cited some statistics—interest rates go up 1 percent. That is more than \$120 billion a year off the top. That is more than we spend each year on the issues I am going to speak to—the Department of Homeland Security.

The only issue I would raise with my friend is that we do need that grand bargain. But no one who has looked at this problem hasn't said: You are not going to solve it without revenues being part of the mix. You have to do entitlement reform. But even with the so-called revenues from the fiscal cliff, let me just point out that we brought the country to the brink of unforeseen financial areas.

To raise \$600 billion, well, in the past few years we have had unprecedented one-time revenues from the Federal Reserve north of \$400 billion, \$200 billion-plus that CBO counts as revenue from paybacks of Fannie and Freddie. We do not have the revenue streams. If we can get back to revenue streams from the late 1990s, revenue as a percent of our GDP, when the economy was booming and jobs were being created and there was bipartisan collaboration, I think that, combined with entitlement reform—to make sure Social Security and Medicare are truly sustainable for the next 50 years—there is a path there and I thank the Senator for his work.

Mr. COATS. If I could ask the Senator from Virginia to yield for a response without yielding the floor, and I will yield right back to him.

I wish to say that the perception of the public is that this is a partisan issue. It is not. The Democratic Senator from Virginia has taken a lead in this effort and committed an extraordinary amount of effort—only to come up short.

I have been privileged to work with him and a number of Members from the other side of the aisle together with Republicans, and we see the need to work together on this. We have lacked one thing. We have lacked support from the executive branch. Until we have that, I don't believe we will be able to take serious steps forward in addressing this problem.

But that is not something that can be defined as one party versus another.

Most of us on both sides of this aisle have recognized the disastrous potential consequences of our not taking action. I appreciate the tremendous work the Senator from Virginia has done in leading this effort, and I know we both regret that we haven't achieved success.

I thank the Senator, and I yield back.

Mr. WARNER. I thank the Senator for his comments. We might agree or disagree on the role the President has played, but that still doesn't beg the fact that we need to continue our efforts in this body and in the body down the hall.

#### DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. WARNER. Mr. President, the subject of our debate today is that it is wholly inappropriate that at this moment in time some in Congress are deciding that they are going to hold hostage Homeland Security funding unless they get 100 percent of what they want.

I think immigration reform is a terribly important issue. I was proud to join in one of the broadest, bipartisan votes in the past few years to pass bipartisan immigration reform. I was disappointed when our friends in the House didn't take up that legislation and pass it.

Subsequent to that failure to act on the part of the House, the President has acted—and I believe there are even folks here watching these proceedings now who are beneficiaries of those Executive actions, some of the DREAMers.

Now if this body wants to redebate immigration, that is a fair topic, a fair subject. And I, for one, would welcome that full-throated debate again. But it should not—it should not—be tied to a critical part of national homeland security funding.

The remarkable thing is this is actually an area where both parties came to agreement on the size of the budget and the program prioritization. There was an agreement. But instead, extraneous items were added that now some are saying if we don't get these items we are willing to roll the dice or potentially shut down the most essential parts of our government at a time of enormous international and potentially domestic challenge.

All of us, obviously, can come and speak about the unspeakable tragedies we saw reported coming out of the Middle East. We see as well challenges that ISIL presents potentially—not just in that region but to the homeland and in terms of trying to encourage homegrown terrorists. The notion there would be Members of this body or any body who would say it is okay to cut off funding to DHS at this moment in time is remarkable.

The American people—as someone who just went through a refreshing reminder of what they are looking for through my last election process—do



not want us to legislate in this way. They want us to get things done. They want us to actually find common ground. And on homeland security we have made the hard choices on where the dollars ought to come from and where they ought to be prioritized.

But if the loudest voices get their way and hold this funding hostage, not only would it make our country more vulnerable to terrorist threats but a DHS shutdown would jeopardize our national security by disrupting other important programs, such as grants to train local law enforcement and to protect our communities. And as many as 240,000 people responsible for frontline security—more than 80 percent of DHS employees—will still have to show up to work—they just won't get paid for it. Many of them in the Commonwealth of Virginia.

This is a threat to the homeland, it is a threat to our law enforcement, it is a threat in terms of our ability to respond to crises with FEMA, and there is threat even without those potential tragedies of the normal course of an American citizen as they pass through airports and other venues. Ultimately, for an agency that has been under some strain, these 240,000 people who are working hard to protect our homeland have to provide for their families.

This is not the way this body should operate. I want to commend the majority for trying to say we will bring back an open process. But the notion that we will have a repeat of what we saw when we self-inflicted damage upon this whole economy when we shut down the government a few years ago because of an unwillingness of a few to compromise—if that is repeated now around homeland security, it would be a dreadful mistake.

#### TRIBUTE TO FEDERAL EMPLOYEE ANTHONY REGALBUTO

Mr. WARNER. Mr. President, I come to the floor to continue a tradition that was begun by my esteemed former colleague, the former Senator from Delaware, Ted Kaufman. Senator Kaufman would come to this floor from time to time to celebrate members of the Federal workforce who exemplify excellence in public service. In that tradition I want to honor a great Federal employee: CAPT Anthony Regalbuto.

Captain Regalbuto is a constituent of mine from Burke, VA. He currently serves as the Chief of the U.S. Coast Guard's Office of International and Domestic Port Security. But, in fact, Captain Regalbuto has spent his entire adult life in service to the Coast Guard, with 31 years on active duty and more than 12 years as a civilian—a total of 43 years of service. In this role he has been responsible for addressing the security weaknesses facing our Nation's ports. He has also assisted other countries with improving the safety of their own ports.

More than 90 percent of the imported goods of the United States go through

our ports. The security risks facing the ports are many, and workers such as Captain Regalbuto help ensure they remain safe and secure from threats. For our Nation's ports to remain safe, we must ensure our foreign shipping partners follow established international port security requirements. So part of Captain Regalbuto's job is to make sure foreign countries that want to conduct business using U.S. ports adhere to these requirements.

Captain Regalbuto has developed a solution—a model code that countries could use as a guide to strengthen their own laws to improve the security of their ports. He also oversaw the creation of the Maritime Security Risk Analysis Model. It helps the Coast Guard analyze and address major port security weaknesses by measuring a variety of factors. This risk analysis model has helped the Coast Guard evaluate more than 30,000 potential targets and 100,000 attack scenarios across the country.

Furthermore, this data has helped to efficiently allocate more than \$2.7 billion in grants where they can best help improve port security and get the best bang for the taxpayer dollars.

CAPT Anthony Regalbuto is just one of many Federal employees. He also happens to be a Federal employee who would potentially be affected by Department of Homeland Security funding, which is the current issue on the floor of the Senate.

One of the challenges, even as we move past this particular debate, is to make sure in these tight budget times—going back to the comments of the Senator from Indiana—that we husband our resources. We are going to have to do more with less. One of the things that is terribly important—as someone who has spent more time in business than I have in politics—if you want your workforce to do more, you find ways both psychically, monetarily, and through appropriate review to reward them.

Too often Members come to this floor and sometimes tend to demonize our Federal workforce. Too often over the past few years the Federal workforce is the first to receive the cuts in funding. If we are going to make sure our country remains strong, we want to make sure folks such as Captain Regalbuto keep our ports and keep our homeland safe. We need to recognize their service and, by all means, make sure we don't put in particular the DHS through another ill-fated, politically driven government shutdown.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

(The remarks of Mr. HATCH pertaining to the introduction of S. J. Res. 6 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. SESSIONS. Mr. President, the House of Representatives has voted to fully fund homeland security, as the President has requested. It sent a bill to the Senate that fully funds all the lawful policies and programs in homeland security. The bill will not deny a penny of funding. In fact, it says, spend the money, but on enforcing the laws of the United States. Don't spend money undermining the laws of the United States. Don't spend money in violation of the laws of the United States. Don't spend money in violation of the established policies of Congress, which rejected the President's ideas that he is now executing. And don't spend money in violation of the will of the American people who overwhelmingly oppose the President's unlawful Executive amnesty.

That is what we are talking about today, and my colleagues continue to suggest that somehow Republicans are not funding the Homeland Security Department. Nothing could be further from the truth.

Our colleagues have now voted to block going to the bill. If they don't like some of the provisions that came over from the House, well, let's get on the bill and let's have some relevant amendments and let's vote on it. That is what Congress is about. That is the way we are supposed to do business here.

But our colleagues have gotten spoiled. They think they can block anything and turn around and blame the Republicans for it and that somehow everybody is going to agree with them.

Look, the American people get this. The President is not entitled to spend money to implement a system of immigration that Congress, representing the American people, rejected. If our Democratic colleagues are unhappy, then, as I said, they can offer amendments.

I feel it would be a stunning event if the Senate removes language from a bill that simply restores the separation of powers and prevents the President from overreaching in violating the Constitution. But if they want to bring up amendments that would allow the President to do this activity, let's do it, let's bring it up, and let's vote on it. Perhaps they might win it. But I think it is untenable constitutionally and it is untenable legally, because it is contrary to the law and the will of the American people.

My good friend Senator SCHUMER is one of our able Members of this body. He spoke earlier today and he said: The

right wing of the Republican Party is risking a DHS—Department of Homeland Security—shutdown to get their way on immigration. They are saying: Take our hard right stance on immigration, or we won't fund national security.

That is not so, Senator SCHUMER. Give me a break. Come on. You are blocking the bill. The House has voted to fund homeland security. It is on the floor. We need to pass it, and we will give you an opportunity to offer your amendments if you are not happy with it. It is absolutely not so that they are doing that.

So how is it being reported? Republicans frequently complain they don't get fair reporting in the press, but let's look at this:

U.S. News and World Report, today: "Senate Democrats Block Bill Undoing Immigration Actions." That is the headline, "Undoing Immigration Actions." Those are President Obama's unlawful actions. So they are defending his actions, not defending homeland security.

How about this one, USA Today: "Democrats again block efforts to derail immigration order." The effort would derail the President's unlawful Executive amnesty—but it funds homeland security, as the article makes clear.

Fox News: "Senate Dems nix debate on Homeland Security bill, blocking it, in protest over immigration."

Who is blocking the bill?

Politico: "Democrats filibuster Department of Homeland Security bill."

That is exactly what is happening. The bill has passed the House. It is on the floor. We are trying to bring it up. We are trying to have debate. We are trying to have amendments. And they are blocking the bill—according to Politico, no rightwing publication.

The Washington Post: "Senate Democrats block DHS spending bill targeting Obama's immigration actions."

The Atlantic. This is a good one. For those of us who have been around here a long time, and I think for reporters who cover it, this is really humorous, to have our Democratic colleagues, having complained for years about what Republicans do. This is the headline in the Atlantic: "The New Democratic Obstructionists."

Here is the headline in the New York Times: "Senate Democrats Block Republicans' Homeland Security Bill."

So I would say, colleagues, the American people know better. The media knows better. They know who is blocking this bill. They know that the Congress of the United States—that the House of Representatives and the Senate is not required to fund any program it doesn't like.

It is absolutely not required, and it has a duty not to fund Presidential expenditures that are illegal. The Department of Homeland Security is provided funds to enforce the laws of the United States. The President right now is tak-

ing money that was sent to Homeland Security to enforce laws and he is re-directing it and moving it over to a building just across the river in Crystal City, hiring 1,000 persons to process applications of people illegally in the country and to provide them the earned-income tax credit, which is a direct check from the United States of America, provide them a Social Security number, the right to participate in Social Security, legal status in the country, the right to work in the country, and participation in Medicare, when the law of the United States says if someone is here unlawfully, they cannot work. So that is what this is all about.

I just want to push back. I urge my colleagues—at least seven of my Democratic colleagues have said they oppose President Obama's actions. When do they have a clearer chance to confront that action and demonstrate with conviction that they meant what they said than on this vote?

It allows the bill to come forward. It allows us to have a vote. It allows anybody in the Senate to offer amendments that would be relevant to the bill. I feel strongly about that.

I see the Senator from New York. I think she was in line to speak before I was, and I was able to grab a few minutes. So I would just say this. Colleagues, please review your position on this. Let's move to this bill. Let's fund Homeland Security. Let's discuss and have amendments and vote on the President's Executive order, and the one who wins the votes, so be it. That is the way the Congress of the United States works.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I rise to urge my colleagues to do the right thing and pass a bill that would fully fund the Department of Homeland Security, without the politically driven riders that are the focus of this debate.

Protecting our country from terrorist attacks should be our top priority in Congress and we should not be playing games with Homeland Security funding. That is the least our constituents expect of us. I know that for many of my colleagues the question of immigration is a very contentious one and an important one worthy of debate. We should have that debate without risking the safety of our families by once again putting an immigration bill on the floor of the Senate.

But this funding bill for such a vitally important part of our national security is simply not the place for an ideological debate. If we fail to pass and fund the Department of Homeland Security, the consequences for our safety could potentially be devastating. Take for example the Urban Areas Security Initiative. This is the program that helps our cities pay for things such as surveillance equipment,

secure communications systems, training for law enforcement personnel, all in order to increase our security and prevent terrorism. These grants ensure that all of the places terrorists have targeted and will continue to target are able to effectively prevent those violent acts from happening.

New York City is my home State. It is the No. 1 terror target in the Nation. It relies on the urban security program to keep its millions of residents and tourists safe. It also relies on our Homeland Security network to stop the plans of would-be terrorists.

Since 9/11, New York City has thwarted at least 16 terrorist attacks, and it has done so because of the constant support the Department of Homeland Security provides. If we cannot pass this bill, the Urban Areas Security Initiative and the extensive network of security systems in New York City would lose their funding, and every visitor to an urban area in this country, including right here in Washington, DC, would be less safe.

If we cannot pass this bill, not only would our security suffer, but the inspectors at our ports would not be paid, our security personnel would not be paid, and our Border Patrol agents would not be paid. If we don't pass this bill, then we have failed at our most solemn responsibility, to keep the American people safe.

I urge all my colleagues to please put politics aside, vote to pass a bill free of divisive policy riders and fully fund the Department of Homeland Security.

Thank you, Mr. President.

I yield the rest of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FLAKE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHATZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHATZ. Mr. President, I rise today to urge my colleagues to pass a clean Homeland Security funding bill for fiscal year 2015. This is an issue of national security, and we cannot allow politics to divert attention from our responsibility as Senators.

The majority in the House sent the Senate a bill with five poison pills that they know will prevent the passage of this legislation. Yesterday and again today, my Senate colleagues and I sent a clear message that these politically divisive immigration provisions have no place in this bill.

I urge my colleagues to dispense with any further delays and allow for an up-or-down vote on the bill as originally drafted.

The Department of Homeland Security funding bill—created in the wake of 9/11, as Senator DURBIN reminded us earlier—is not the place to litigate immigration policy; rather, those issues are appropriately addressed in a comprehensive immigration bill, and I hope

the House will draft and vote on that type of legislation soon.

The recent executions of the Japanese and Jordanian hostages by the terrorist group ISIL and the attacks in Paris, Ottawa, and Australia serve as reminders of the very real threat we face.

Each day we delay in providing adequate, reliable resources to the Department of Homeland Security, we undermine the Department's efforts to defend the home front. That is why I am calling on my colleagues to take up and pass a clean bill.

My colleagues on the Appropriations Committee Senator SHAHEEN and Vice Chairwoman MIKULSKI have introduced a clean DHS funding bill that reflects the bipartisan agreement reached between the House and Senate appropriators. This bill funds a wide range of programs that keep Americans safe and secure.

For example, the clean version of this bill funds a host of counterterrorism, intelligence, and security functions; investments in cyber security defense technologies and personnel, investments to detect and protect against biological threats, research and development of nuclear detection technologies, TSA and Coast Guard operations to keep our skies and our waters safe. The clean version also funds \$6 billion in disaster funds to help States, localities, businesses, and individuals rebuild after a natural disaster, staffing nearly 24,000 Customs and Border Protection officers who ensure legitimate travel of individuals who seek to enter the country, and staffing 20,000 Border Patrol agents who protect the 6,000 miles of our land border and 2,000 miles of coastal waters.

Department of Homeland Security Secretary Johnson has been clear that while the Department operates under the current CR, it cannot fund key homeland security initiatives.

A short-term CR would prevent the Department from awarding new disaster preparedness grants that support our local emergency responders. It would delay the hiring of more investigators for cases related to human trafficking and smuggling. It would also prevent the Secret Service from training for the next Presidential election, and the list goes on.

We cannot expect DHS to do long-term strategic planning with short-term funding measures. The Department needs reliable funding to operate efficiently and effectively.

The House majority is unfortunately playing politics with our homeland security because the President has taken an action that every President since the 1950s has taken: He has provided commonsense direction to our immigration enforcement efforts.

The President's Executive actions on immigration are fundamentally aimed at keeping families together, making our communities safer, and using our resources efficiently. It is hard to understand how someone could oppose that.

The President's actions will ensure that our immigration enforcement efforts are used to secure the border, prevent threats to national security, and protect public safety. These should be our top priorities, and I support those efforts, but if Members of the House take issue with them, they should draft and adopt immigration reform, just as the Senate did on a bipartisan basis 18 months ago.

Our path forward is simple: Pass a clean funding bill. If my colleagues want to fix our broken immigration system, then let's take up a bill, but let's not use this critical funding bill to play partisan politics.

The dedicated men and women of the Department of Homeland Security deserve better. The American people deserve better. Let's put aside politics and let's pass a clean Department of Homeland Security funding bill.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEE). Without objection, it is so ordered.

(The remarks of Mr. ALEXANDER pertaining to the submission of S. Res. 67 are printed in today's RECORD under "Submitted Resolutions.")

#### RECOGNIZING THE HENRY CLAY CENTER FOR STATESMANSHIP AND THE KENTUCKY DISTILLERS' ASSOCIATION

Mr. MCCONNELL. Mr. President, last night I had the honor of speaking at a bourbon event hosted by the Henry Clay Center for Statesmanship and the Kentucky Distillers' Association here in Washington, DC. This event was for Kentuckians and by Kentuckians and featured the so-called "Bourbon Barrel of Compromise" that had been delivered from Ashland, the Henry Clay Estate in Lexington, KY. I would ask that my remarks at that event last night be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Feb. 3, 2015]

#### LEADER MCCONNELL'S REMARKS AT BOURBON EVENT

Thank you, Robert [Clay, co-chairman of the Henry Clay Center for Statesmanship].

It's a pleasure to be here to celebrate the spirit of Kentucky—literally. Tonight we honor two of Kentucky's most important gifts to the nation: the drink that is Bourbon whiskey and the revered statesman Henry Clay. I'm glad to be here to talk about both.

There are a lot of good Henry Clay stories, but let me share one of my favorites—a story that demonstrates Clay's sense of humor and quick wit.

On one occasion, a long-winded colleague of Clay's, Alexander Smyth of Virginia, was giving a speech. He turned to Clay in mid-speech and said disdainfully, "You, sir, speak

for the present generation; but I speak for posterity."

Without batting an eye, Clay retorted, "Yes, and you seem resolved to speak until the arrival of your audience."

Taking that wisdom to heart, I will be brief.

I want to thank the Henry Clay Center for Statesmanship and the Kentucky Distillers' Association for hosting this grand event—not only tonight's affair, but shipping a barrel of Bourbon whiskey from Henry Clay's estate in Ashland to Washington, DC, just as the Great Compromiser reportedly often did some two centuries ago.

The history of Bourbon whiskey and the legend of Henry Clay have long been intertwined. It is said that whenever Clay went to Washington, he carried a barrel with him, to "lubricate the wheels of government."

Clay is also credited with writing the first historical recipe for the mint julep and introducing it to the public in this very hotel.

He recorded in his diary his own method for making the cocktail. Clay called for "mellow bourbon, aged in oaken barrels" and also instructed that "the mint leaves, fresh and tender, should be pressed against a coin-silver goblet with the back of a silver spoon."

The historical record also shows that Clay used Bourbon as an aid to legislating. One observer from that era recalls witnessing Clay and fellow Senate great John Calhoun sipping whiskey in the Old Senate Chamber.

Together they would drain their glasses behind the vice president's chair—and Clay, with good humor, would say to Calhoun, "Well, Mr. Senator, I will admit that you have had the better of me today; but I'll be your match tomorrow."

Legend also holds that Clay's oratorical skills were often enhanced by his consumption of Kentucky's favorite beverage. Some have said that it is the lime in the water used to make Kentucky Bourbon that lends both Bourbon whiskey and Clay's oratory their special flare.

Whatever it may be that gives Bourbon whiskey its unique taste, Kentucky is proud to be the birthplace of Bourbon.

The drink itself is named for Bourbon County, where the product first emerged. Kentucky produces 95 percent of the world's Bourbon supply, and Kentucky's iconic Bourbon brands ship more than 30 million gallons of the spirit to 126 countries, making Bourbon the largest export category among all United States distilled spirits.

Bourbon also gives much back to Kentucky. It is a vital part of the state's tourism and economy. Many a visitor to the Commonwealth has traced the famous Kentucky Bourbon Trail. And the industry is responsible for nearly 10,000 jobs in our state.

And both Bourbon and Clay have one thing in common: They excel at bringing people together in a spirit of compromise.

I'd like to think that this Kentucky spirit of compromise lives on in the Senate today. With the new Senate of the 114th Congress, it's great to see some real debate on the floor of the Senate once again.

It's been great to see both sides able to offer amendments once more.

I know many of the Democratic Senators are glad to be able to give more of a voice to their constituents too. I believe they welcome our vision of a Senate where we're doing some real legislating.

A more open Senate presents more opportunities for legislators with serious ideas to make a mark on the legislative process. It can give members of both parties a real stake in the outcome. And it helps lead, I hope, to greater bipartisan accomplishments down the road.

Just because we have a Republican Congress and a Democrat in the White House

doesn't mean we can't deliver for the American people. On the contrary—divided government has frequently been a time to get big things done. That's something Henry Clay would have well understood and appreciated.

Because principled compromise across party lines was very familiar to Henry Clay.

Three times in the early years of the American Republic, the split between North and South threatened to tear the country apart. And three times before the Civil War finally began, Henry Clay kept the nation together, through compromise and negotiation.

Were it not for his leadership, America as we know it may not exist today.

The Henry Clay Center for Statesmanship rightly keeps his spirit of compromise alive today through its education programs for high school and college students. The Center teaches Kentucky's future leaders about Henry Clay and the art of meaningful dialogue and discourse.

It makes me proud as a Kentuckian to see Henry Clay's legacy live on, whether it is through the Clay Center, through the U.S. Senate, or through all of us here today.

It makes me proud as a Kentuckian to see the imprint the Bluegrass State has made on the history of this country. Not only Clay, but famous Kentuckians like Abraham Lincoln, John Sherman Cooper, Alben Barkley, and the recently departed Wendell Ford.

And it makes me proud as a Kentuckian to see how many other Kentucky traditions have made a lasting imprint on our country. Not least of which is the Run for the Roses on the first Saturday of every May.

So thank you for allowing me to be here tonight. And thank you for taking the spirit of Kentucky with you wherever you go.

Good night.

#### LESSONS FROM THE EBOLA EPIDEMIC

Mr. LEAHY. Mr. President, not long ago Liberia, Sierra Leone, and Guinea, the World Health Organization, WHO, and the United Nations, and the United States, Great Britain, France, and other countries were frantically trying to bring the Ebola crisis in West Africa under control.

Thousands of people died due to a disastrous failure by WHO's Africa regional representative, serious miscalculations by local officials and global health experts, and a myriad of other problems ranging from weak local health systems that were quickly overwhelmed to a lack of accurate information and cultural practices that helped spread the disease rather than contain it.

But in the past few weeks there has been some good news about progress in stopping Ebola. According to WHO, Liberia, Sierra Leone, and Guinea recorded their lowest weekly numbers of new cases in months. The United Nations special envoy on Ebola stated that the epidemic appears to be slowing down, and the Government of Liberia has set a target of zero new Ebola cases by the end of February.

It is heartening to see that the hard work by Liberia, Sierra Leone, Guinea, and the international community are bringing results. But we are not out of the woods yet and there are important lessons to be learned from the mistakes

and lost opportunities in the early response to this disease outbreak.

Ebola pushed governments, international organizations, and the private sector and health care responders into unknown territory, forcing everyone to think and act in new ways. Unfortunately, with the exception of the nongovernmental organization Doctors Without Borders, we were all too slow to recognize this. The initial response missed key opportunities to prevent the crisis from becoming an epidemic, and as a result thousands of people died who might have avoided infection. The symptoms of the initial victims were not recognized as Ebola, signs that the epidemic was spreading rather than receding, as some believed, were misinterpreted, and governments and international organizations did not effectively communicate or coordinate with local communities impacted by the virus, nor were the necessary resources to combat the disease available in-country early enough.

As work was done to overcome these missteps and challenges, the epidemic spread further across borders, as did rumors, and fear increased, people in the affected areas became increasingly distrustful of those who were trying to help, and already scarce health care workers became harder to recruit.

The consequences of not containing the disease in the early stages have been catastrophic. As of January 28, WHO estimates that 8,795 people have died from the Ebola virus, and according to UNICEF's preliminary estimates, as of December 29 at least 3,700 children in Guinea, Liberia, and Sierra Leone have lost one or both parents to the disease. The children of those countries have not attended school since mid-2014. While Guinea reopened their schools in mid-January, attendance has remained low. Liberia is preparing to reopen schools in mid-February, and Sierra Leone hopes to reopen its schools by the end of March.

Unemployment and business closures have increased, cross-border trade has plummeted, and there are concerns that food shortages and malnutrition will increase because food stock that would normally be kept for next year is already being eaten.

According to the World Bank's December estimates, the growth in GDP in 2014 for Liberia and Sierra Leone fell by over 60 percent in each country and Guinea's GDP growth in 2014 is down by 89 percent.

Much of our investments in the rebuilding of Liberia and Sierra Leone since the civil wars there have been obliterated by Ebola. These countries are back at square one.

The world's initial response to the Ebola crisis illustrates how unprepared we are for future global health crises which may be far more devastating and fast spreading than Ebola, if that is possible to imagine.

How can we avoid repeating our mistakes? Are we going to provide our own government agencies such as the Cen-

ters for Disease Control and Prevention and the U.S. Agency for International Development and international organizations such as WHO the resources they need? Can we count on them to take the steps to ensure that the right people are in the right places with the authority to make the necessary decisions in a timely manner?

Too often it seems that we have to relearn the same lessons each time for different situations and countries. There are already reports, including a January 19 article in the Washington Post that describes newly built Ebola response centers, paid for by the United States Government, that stand empty or have closed because the number of new Ebola cases has dropped sharply. It is far better to be prepared than unprepared, but we need to reassess the situation and be sure that we are adjusting our response appropriately.

The fiscal year 2015 Consolidated Appropriations Act includes \$2.5 billion for the Department of State and USAID response to the Ebola crisis. As ranking member of the appropriations subcommittee that funds those agencies, I hope they will ensure that we use these funds to avoid past mistakes, by improving flexibility to respond to the crisis as it changes, relying less on international nongovernmental organizations and foreign contractors, and increasing support for building local public health capacity and a sustainable and resilient private sector, increasing awareness and sensitivity to cultural norms of those impacted by the crisis, and improving communication and coordination among local communities, local and national governments, and the international community. These are not new ideas but they emerge time and again.

Finally, we need to be far better prepared for protecting American citizens from contagious diseases that can spread like wildfire from a single health care worker or other infected individual who returns from an affected country. Fortunately, only one death from Ebola occurred in the U.S., but it could have been far worse.

Now is the time to reassess how we should respond domestically and internationally to regional epidemics and prepare accordingly. We cannot afford to waste time and resources making the same mistakes and relearning old lessons.

#### A RETURN TO DEMOCRACY IN SRI LANKA

Mr. LEAHY. Mr. President, for hundreds of millions of people around the globe, including in countries whose governments are allies of the United States, democracy and human rights are aspirations that seem beyond reach. According to a recent report by Freedom House, the state of freedom in the world declined in almost every region over the past year. But while we

should be deeply concerned by this discouraging trend, we should also recognize where progress is being made.

On January 8, the people of Sri Lanka stunned a repressive government that had been rapidly centralizing power and dismantling democratic institutions. President Mahinda Rajapaksa, who sensed his increasing unpopularity, called a snap election 2 years early hoping to take advantage of his fragmented opposition. However, to his surprise and the surprise of many observers, a broad coalition of Sri Lankans voted to oust his administration and to chart a new course. Rather than balk at forfeiting the chance for an unprecedented third term, President Rajapaksa, under pressure from the international community, stepped down within hours of the election results being published.

This was welcome news. After suffering decades of on-and-off conflict that is estimated to have cost as many as 100,000 lives, only to have the violence replaced by increasing repression and political and ethnic polarization, the peaceful transfer of power has helped breathe life into the hopes of Sri Lankans for reconciliation and a better future. For that hope to become reality, newly elected President Maithripala Sirisena will need to gain the trust of all Sri Lankans, regardless of their ethnicity or political views. In too many countries democracy has been treated as an election rather than a way of governing, but for it to succeed all citizens must have the ability to participate meaningfully. As President Sirisena stated in his inaugural address, what Sri Lanka needs “is not a King, but a real human being”.

Of course, democracy alone will not heal Sri Lankan society. No one knows this better than those who lost family, friends, and loved ones in the war with the LTTE, or Tamil Tigers. In the final months of that war, many thousands of civilians died, mostly as a result of shelling by the Sri Lankan military of civilians who had been uprooted by the fighting. The United Nations, the United States, other governments and human rights organizations have long called for thorough, independent investigations and punishment of those responsible for war crimes and crimes against humanity.

While President Sirisena has pledged to launch a domestic inquiry into alleged war crimes, I agree with those who insist that nothing less than an international investigation, as called for by the U.N. Human Rights Council, will likely suffice to overcome the suspicion and distrust concerning this issue. It would be far better if the government seeks the assistance of the UN High Commissioner for Human Rights in developing a credible plan for investigating violations of human rights by both sides in the conflict, and holding those responsible accountable.

I am encouraged that President Sirisena has pledged to return the country to a parliamentary democracy

with independent police and judicial institutions, and inclusive governance. He has also committed to taking steps to address the cases of those detained under the Prevention of Terrorism Act, PTA, many of whom are political prisoners like Jeyakumari Balendran. The reviews should be carried out expeditiously. While the release of 572 prisoners at the time of Pope Francis's visit on January 14 was a positive step, it is the cases of political prisoners detained under the PTA that will demonstrate the Sirisena government's commitment to reconciliation. The sooner innocent victims of the Rajapaksa government's repression are freed, the faster Sri Lanka will be able to recover.

Over the years I have spoken in this Chamber in support of independent investigations of war crimes and justice and reconciliation in Sri Lanka. I have met the relatives of victims of the war. President Sirisena's election offers the chance for all Sri Lankans to finally recover from that tragic period by rebuilding their country in a spirit of tolerance, respect, and common purpose.

#### FIXING NO CHILD LEFT BEHIND: INNOVATION TO BETTER MEET THE NEEDS OF STUDENTS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a copy of my remarks at the Senate Health, Education, Labor and Pensions Committee hearing yesterday be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

##### FIXING NO CHILD LEFT BEHIND: INNOVATION TO BETTER MEET THE NEEDS OF STUDENTS

This is the 27th hearing in the last six years about fixing No Child Left Behind or a related elementary and secondary education issue. I hope we are not far from a conclusion—from moving from hearings and discussions to marking up a bill. From the beginning of our work on No Child Left Behind, we concluded it would be better, rather than start from scratch on a new Elementary and Secondary Education Act, to identify the problems in the law and try to fix them. Generally speaking, we agree on the problems, and on several solutions we are not far from reaching consensus. We still have some work to do on accountability. And by accountability, I mean goals, standards, annual tests, disaggregated reporting of test results, and defining success or failure for teachers and schools as well as the consequences of that success or failure. On some of these things, we pretty much agree, like the need for a new goal. On other things, we still have some work to do, like whether or not to keep the 17 annual federal standardized tests.

This morning we are holding a roundtable discussion on “Fixing No Child Left Behind: Innovation to Better Meet the Needs of Students.” We aim for this to be different than a hearing. Senator Murray and I will each have a short opening statement and then we will introduce our roundtable of participants. Then we're going to jump right into the conversation, posing two questions to help guide the discussion.

First, what is your state, district, or school doing to implement innovative ap-

proaches to improve academic outcomes for students, particularly low-income and at-risk students? Second, how can we improve the federal law to encourage more states, districts, and schools to innovate?

And when I say law, I should also draw attention to the regulations that have followed these laws. For example, every state has to submit a plan to the federal government to receive its share of the \$14.5 billion Title I program distributed to states for low-income children. That's about \$1,300 for every child who lives at or below the federal poverty line. Those Title I applications are reviewed by the Department of Education, as well as by outside experts, before you can spend a dime of that money. In addition, 42 states, the District of Columbia and Puerto Rico are operating under waivers from the out-of-date and unworkable regulations in No Child Left Behind. To receive those waivers, states have to submit waiver applications. In Tennessee, that waiver application was 91 pages long with more than 170 pages of attachments. Since 2012, the state has had to submit eight different updates or amendments to the plan.

In addition to all this, the U.S. Department of Education spends another \$9–10 billion or so on about 90 different programs that are either authorized or funded under No Child Left Behind, with separate application and program requirements. These programs include Promise Neighborhoods and Investing in Innovation.

So are we spending this money in a way that makes it easier or harder for you to innovate and achieve better academic outcomes?

My own view is that the government ought to be an enabler and encourager, rather than a mandater, of innovation. It can do this well. For example, last year Congress overwhelmingly supported reauthorizing the Child Care and Development Block Grant program that gives grants to states that allow parents to receive a voucher for the child care of their choice so they can attend school or go to work.

Seven decades ago the G.I. Bill enabled World War II veterans to attend a college of their choice, helping them become the greatest generation. Today, half our college students have federal grants or loans that follow them to the colleges of their choice, enabling them to buy the surest ticket to a better life and job. About 98 percent of the federal dollars that go to higher education follow the student to the school they attend. In K–12, the only money that follows students to the school they attend is the school lunch program.

Now, I'll turn to Ranking Member Murray for her opening statement and then we'll get the conversation going.

#### SCHOOL CHOICE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that a copy of my remarks at the Brookings Institution earlier today be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

##### SCHOOL CHOICE

I am delighted to be here, but I should warn you: Based on my track record, I'm probably not your most reliable observer on school choice.

If I take you back to September 1992, I gave a speech at Ashland University in Ohio, and I predicted that by the year 2000 “school choice will not be an issue.”

I suggested that an Ashland student writing a thesis in 2000 ought to make the subject parental choice of schools, because by then, I said, “It will be a matter of history.

"Your colleagues will wonder along with you as you examine this strange era when we granted government monopolies control of the most valuable and important enterprises in town, and so many people fought furiously to keep doors to many of the best schools closed to poor children.

"They will ask, how could this have ever happened in America, at a time when the ideas of freedom, choice and opportunity were sweeping the rest of the world?"

My prediction might not have been right, but not because we didn't try.

In 1984, I gave a speech at the University of the South outlining the "deep ruts" into which American K-12 education had fallen. One of those was the lack of school choice for parents.

In 1985, the National Governors Association (NGA) embarked on a project called "Time for Results." We divided into seven task forces, each chaired by a governor, to ask seven of the toughest questions you could ask about American education. One of those questions was, "Why not let parents choose the schools their children attend?" The task force working on that question was chaired by the Democratic governor of Colorado, Richard Lamm, who said then, "You know, it is interesting that America is a land of choices. We have 100 breakfast cereals to choose from, 200 different makes of cars. But in this one educational area . . . we have not done a lot in choice."

Then in 1992, President Bush proposed his "GI Bill for Children," which was a plan to allow states and cities to give \$1,000 annual scholarships in new federal dollars to each child of a middle- and low-income family in a participating state or locality.

Families could spend the scholarships at any lawfully operated school—public, private or religious.

And up to half of the scholarship could be spent on other academic programs, like a Saturday math tutoring program or a summer accelerated language course.

That year, the Carnegie Foundation had reported that 28 percent of our nation's parents would like to send their child to a different school.

Today, that number is even higher—it is, in fact, more than twice as high. A recent 2013 Luntz Global study found that 64 percent of parents said that "if given the financial opportunity," they would send one or all of their children to a different school.

The last 23 years have seen some positive changes in the ability of parents to choose their children's schools.

Today all 50 states and Washington, D.C. offer to some students alternatives to the school they would normally be assigned based on their residence.

Approximately 15 percent of school-age children attend a school other than their school of residence through open-enrollment programs.

Policies in 42 states allow some, or all, parents to send their children to public schools outside their districts.

Of those 42 states—15 states require districts to participate, 23 allow them to participate, and three require it specifically for low-income students and students in failing schools.

In 31 states, parents are allowed to choose among schools within their district.

Of those 31 states—16 states require districts to participate, 10 allow them to participate, and 6 require it for low-income students or students in failing schools 6 states.

More than 2.5 million—or nearly five percent of all public school children—are enrolled in more than 6,000 public charter schools in 42 states and D.C. Typically parents choose to enroll their children in these schools.

In addition, today more than 300,000 children are served by 41 private school choice programs across 19 states, D.C., and Douglas County, Colorado. These programs often give students who meet certain criteria—usually based on income, special needs, or academic performance—an opportunity for a voucher, tax credit program, or education savings account to allow them to attend private schools.

Also, the option for homeschooling is available in all states and parents of about three percent of school-age children choose to homeschool.

Allowing students to choose among schools is not a new idea for the federal government.

Allowing federal dollars to follow students has been a successful strategy in American education for 70 years.

In 1944, the G.I. Bill allowed veterans to choose among colleges, public or private.

Today, about \$136 billion in federal grants and loans continue to follow students to the college or university of their choice.

Just last year, Congress reauthorized the \$2.4 billion Child Care and Development Block Grant program, or CCDBG, which, when combined with other federal and state funding, helps approximately 900,000 families pay for child care of their choice while they work or attend school, mostly through vouchers.

These are among the most successful and popular federal programs—why is it so hard to apply the same sorts of choices to elementary and secondary schools?

What can the federal government do now to expand the opportunity parents have to choose the most appropriate school for their children?

The first is Scholarships for Kids. This is a bill I introduced that would use \$24 billion of the federal dollars we spend each year on K-12 education and allow states to create \$2,100 scholarships to follow 11 million low-income children to any public or private school of their parents' choice.

Also, the discussion draft I've just released to fix No Child Left Behind gives states the option of using \$14.5 billion in Title I money to follow 11 million low income children to the public school they attend.

Most people agree that Title I money, which is supposed to help low-income kids, gets diverted to different schools because of a formula that targets money to districts based on how much states spend per student. That is largely influenced by teacher salaries.

The simplest way to solve that problem is to let that money follow the child to the school they attend. You could do that to just public schools, which has been the tradition with Title I money, or to private schools, which is what I would prefer.

The second is the CHOICE Act. This is a proposal by Senator Tim Scott to allow about \$11 billion the federal government now spends for children with disabilities to follow those six million children to the schools their parents believe provide the best services.

I think it's important to note that these bills do not require states to do anything—instead they give them the option to have money follow the child.

The third is the DC Opportunity Scholarship Program. Senator Scott's CHOICE Act would also expand the D.C. Opportunity Scholarship Program that began in 2004 and has provided about 6,000 low-income students in Washington, D.C. with the opportunity to receive a scholarship to attend a private school of their parents' choice. Today, far more parents in the city have applied for the scholarships than have received them.

The fourth is expanding charter schools. In my final year as education secretary under

President George H. W. Bush, I wrote every school superintendent in America asking them to try this new idea from Minnesota called "start-from-scratch schools." At the time there were only twelve of them. They were the first charter schools. Today there are more than 6,000.

Charter schools have had strong bipartisan support—including from President Clinton and Secretary Duncan.

We've got in our discussion draft provisions that would streamline and update the existing Charter Schools Program to:

Provide grants to State entities to start new charter schools and to replicate or expand high-quality charter schools.

Provide grants to entities to enhance credit methods to finance charter school facilities.

Provide grants to charter management organizations, like KIPP or Rocketship in my home state of Tennessee, to replicate or expand high-quality charter schools.

Our goal is to grow the federal investment in expanding and replicating high-quality charter schools with a demonstrated record of success, and hold charter schools accountable for their performance.

Other senators also have some good proposals. Senators Paul and Lee both have bills to allow federal dollars from Title I of the Elementary and Secondary Education Act to follow low-income children to the public or private school of their parents' choice. Senator Rubio has a bill that creates a new federal tax credit for individual and corporate donations to organizations that provide low-income students with private school scholarships.

As for the future, I think I've learned my lesson—I'm not about to make a prediction.

It looks like it will be a while before school choice will be a matter of history.

But the progress so many have made is impressive—there is plenty of opportunity to do more.

As Ross Perot told me in 1984, "Changing the public schools of Texas was the hardest, meanest, bloodiest thing I've ever tried to do."

Since I'm not going to make a prediction then I'll end with a question—the same one I asked in 1992: If we trust parents to choose child care for their children, and we trust them to help their children choose a college to attend—and both those systems have been so successful—why do we not also trust them to choose the best elementary or high school for their children?

## HONORING OUR ARMED FORCES

NAVY SPECIAL WARFARE OPERATOR FIRST  
CLASS WILLIAM MARSTON

Ms. AYOTTE. Mr. President, I wish to honor the life of William "Blake" Marston, a Navy SEAL from New Hampshire who was tragically killed in the line of duty.

Blake Marston was an extraordinary man who served our Nation with honor, courage, and commitment. His decision to become a Navy SEAL and take risks in training and combat missions alike speaks to his love of country and his dedication to serving his fellow Americans. His ultimate sacrifice in the line of duty leaves all New Hampshire citizens in Blake's debt.

Blake grew up in Bedford, NH, where he excelled as a student athlete and was known by his coaches for being a hard worker and dedicated team member. He loved baseball and was an alpine ski racer. It is clear that Blake



was special from an early age. From his involvement in the church youth group, to his mentorship of young athletes, Blake was devoted to helping others.

At Stonehill College, Blake majored in criminal justice and studio arts, and it was during his senior year that he decided that he wanted to become a Navy SEAL—a member of the most elite special forces unit. Blake's athleticism, leadership, and determination provided him with the physical and mental toughness he needed to endure one of the most grueling training experiences in the world in order to become a SEAL. And he succeeded.

Blake's service to our Nation included two tours of duty in Afghanistan. He never let up on his desire to improve and be the best SEAL he could be. Just as he put in the time in his backyard with his dad honing his baseball skills, he also worked tirelessly at being the best that he could be as a defender of our country.

Blake died training to conduct the kinds of missions that keep Americans safe. We owe our freedom and security to Blake and the men and women like him in our armed services.

During the Celebration of Life service held in Blake's honor, his family, friends, and classmates described a young man who was kind, compassionate, thoughtful, and funny—a gentle giant, yet also a highly trained, elite warrior. In describing his devotion to his fellow SEALs, Blake once remarked to his father, "You know, Dad, I can't possibly imagine being in any other profession where I have such respect and love for my teammates."

Blake will be laid to rest in Arlington National Cemetery, a hero surrounded by his brothers in arms.

My thoughts and prayers are with Blake's parents Nancy and Bill, and sister Emily, who have lost a loving son and brother. May God bless Blake and his family.

#### ADDITIONAL STATEMENTS

##### REMEMBERING MASTER SERGEANT JAMES WILLIAM HOLT

• Mr. BOOZMAN. Mr. President, this Saturday, February 7, 2015, members of the Hempstead County community will gather for a memorial service for MSG James William Holt of Hope, AR, who was killed in action in Vietnam in 1968.

The service will take place on the 47th anniversary of Master Sergeant Holt's heroic actions and will coincide with the return of his remains for proper burial.

In the early morning hours of February 7, 1968, the North Vietnamese Army launched a massive, coordinated tank and infantry assault on the Special Forces Camp at Lang Vei that created numerous casualties among the troops defending the base.

As a Special Forces medic, Master Sergeant Holt raced around the com-

pound, while under heavy fire, to administer aid to the wounded and move them to safety. His valiant actions during the assault did not end there.

While not a weapons specialist, Master Sergeant Holt nonetheless was a professional Special Operations soldier who knew how to fire every weapon in that camp accurately and effectively. He was also a decisive leader who took charge of a silent 106 mm recoilless rifle and brought it to life, destroying three enemy tanks before running out of ammunition.

Master Sergeant Holt then supplied himself with light anti-tank weapons and charged into the face of the enemy, single-handedly attacking the tank formation, and allowing time for his brothers-in-arms to fight their way to safety. When two enemy tanks broke through the perimeter, Master Sergeant Holt delivered deadly fire on them, scoring a direct hit on one of the armored vehicles.

The Battle of Lang Vei was a short, but costly battle that could have even worse for American forces if it were not for Master Sergeant Holt's heroics. For his acts of bravery, Master Sergeant Holt was posthumously awarded the Silver Star for gallantry in action and the Purple Heart.

I was at the ceremony in 2013 when Master Sergeant Holt was posthumously inducted into the Arkansas Military Veterans Hall of Fame and I wish I could be onhand when the community honors him this weekend. These tributes will help ensure Master Sergeant Holt's remarkable story of bravery and selfless sacrifice forever lives on.●

##### TRIBUTE TO SERGEANT JUSTIN MAHANA

• Mr. HELLER. Mr. President, I wish to recognize Sgt Justin Mahana for his courageous act to help others. After driving from Las Vegas to Lake Havasu, AZ, to help a coworker whose car had broken down, Sergeant Mahana stopped at a gas station to check that his own car was ready for the trip back to Nevada. While there, Sergeant Mahana witnessed a car crash into a median, leading him to investigate the accident and pull the driver out of the car as it lit into flames. It gives me great pleasure to recognize his bravery and his commitment to others both in this moment and throughout his life.

Sergeant Mahana, a 17-year veteran, joined the U.S. Air Force because he wanted to make a difference in the lives of others. His job entails the maintenance and upkeep of military vehicles that are used by pararescuemen when conducting combat search and rescue missions, as well as humanitarian relief operations. Both his commitment to the Air Force, as well as his daily actions, prove his regard for others.

I extend my deepest gratitude to Sergeant Mahana for his courageous contributions to the United States of

America and to freedom-loving nations around the world. His service to his country and his bravery earn him a place among the outstanding men and women who have valiantly defended our Nation.

His commitment to helping those around him, as well as serving the country, demonstrates his unwavering selfless character. His actions represent only the greatest of Nevada's values, including a sense of community and an obligation to help others.

As a member of the Senate Veterans' Affairs Committee, I recognize that Congress has a responsibility not only to honor these brave individuals who serve our Nation, but also to ensure they are cared for when they return home. I remain committed to upholding this promise for our veterans and servicemembers in Nevada and throughout the Nation.

During his tenure, Sergeant Mahana has demonstrated professionalism, commitment to excellence, and dedication to the highest standards of the Air Force. I am both humbled and honored by his service and am proud to call him a fellow Nevadan. Today, I ask my colleagues to join me in recognizing Sgt. Justin Mahana for all of his accomplishments and wish him well in all of his future endeavors.●

##### REMEMBERING DAVID LEE THOMAS, SR.

• Mr. SESSIONS. Mr. President, I rise today to pay tribute to David Lee Thomas, Sr. of Mobile, AL, who passed away on January 22, 2015. He and I were friends for many years. I first got to know him when I was a young Assistant U.S. attorney in Mobile and he was already a proven and respected Federal law officer. He had been hired as the first African-American investigator in the southeast region, with the office of inspector general, U.S. Department of Agriculture. He was investigating fraud by stores and businesses that were buying food stamps for cash or carrying on other unlawful activities. One of the highlights of his career with the OIG was receiving a letter from President Ronald Reagan for solving a fraud case which saved the U.S. Government \$10 million. During that time, we worked a number of cases together. Several went to trial, and he taught me a great deal about law, trials, and how fraud and abuse occur.

David retired from the OIG in 1990, but that retirement lasted all of 6 months. He began working at the Mobile Drug Coalition, and from there he began the second most rewarding career when he became the assistant director of the Mobile County Community Corrections Center. In that role, he established the Court Police Department and helped develop the Mobile County Drug Court Program, which was the first of its kind in Alabama.

David loved his community and was involved in many organizations to make Mobile a better place to live. He

was also very active in his church. He was a great law enforcement officer, citizen, friend, and devoted father and grandfather. This Nation has many excellent Federal employees and officials. David was one of the best. His record speaks for itself. I extend my sympathy to his friends and family. ●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED IN EXECUTIVE ORDER 13396 ON FEBRUARY 7, 2006, WITH RESPECT TO THE SITUATION IN OR IN RELATION TO CÔTE D'IVOIRE—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency, unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13396 of February 7, 2006, with respect to the situation in or in relation to Côte d'Ivoire is to continue in effect beyond February 7, 2015.

The Government of Côte d'Ivoire and its people continue to make significant progress in promotion of democratic, social, and economic development. The United States also supports the advancement of impartial justice in Côte d'Ivoire as well as the Government of Côte d'Ivoire's efforts to prepare for a peaceful, fair, and transparent presidential election in 2015, which will be an important milestone in Côte d'Ivoire's progress. We urge all sides to work for the benefit of the country as a whole by rejecting violence and participating in the electoral process.

While the Government of Côte d'Ivoire and its people continue to make progress toward peace and prosperity, the situation in or in relation to Côte d'Ivoire continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons contributing to the conflict in Côte d'Ivoire.

BARACK OBAMA.  
THE WHITE HOUSE, February 4, 2015.

#### MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 596. An act to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 159. An act to stop exploitation through trafficking; to the Committee on the Judiciary.

H.R. 181. An act to provide justice for the victims of trafficking; to the Committee on the Judiciary.

H.R. 285. An act to amend title 18, United States Code, to provide a penalty for knowingly selling advertising that offers certain commercial sex acts; to the Committee on the Judiciary.

H.R. 515. An act to protect children from exploitation, especially sex trafficking in tourism, by providing advance notice of intended travel by registered child-sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child-sex offender is seeking to enter the United States, and for other purposes; to the Committee on Foreign Relations.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 596. An act to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-505. A communication from the Management and Program Analyst, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Use By Over-Snow Vehicles (Travel

Management Rule)" (RIN0596-AD17) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-506. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Relaxation of the Handling Regulation for Area No. 3" (Docket No. AMS-FV-14-0092; FV14-948-1 IR) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-507. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2014-2015 Marketing Year" (Docket No. AMS-FV-13-0087; FV14-985-1B IR) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-508. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Decreased Assessment Rate" (Docket No. AMS-FV-14-0054; FV14-906-3 FIR) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-509. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Poly(oxy-1,2-ethanediyl), a-(3-carboxy-1-oxosulfo-propyl)-w-hydroxy-, (C10-C16) - alkyl ethers, disodium salts; Exemption from the Requirement of a Tolerance" (FRL No. 9920-44) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-510. A communication from the Board Chair and Chief Executive Officer, Farm Credit Administration, transmitting the Agency's proposed fiscal year 2016 budget; to the Committee on Agriculture, Nutrition, and Forestry.

EC-511. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Commuted Traveltime; Correction" (Docket No. APHIS-2004-0108) received in the Office of the President of the Senate on February 3, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-512. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Two Hybrids of Unshu Orange From the Republic of Korea Into the Continental United States" ((RIN0579-AD87) (Docket No. APHIS-2013-0085)) received in the Office of the President of the Senate on January 30, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-513. A communication from the Chair of the Military Compensation and Retirement Modernization Commission, transmitting, pursuant to law, reports entitled "Report of the Military Compensation and Retirement Modernization Commission: Legislative Proposals," "Report of the Military

Compensation and Retirement Modernization Commission: Interim Report,” and Report of the Military Compensation and Retirement Modernization Commission: Final Report”; to the Committee on Armed Services.

EC-514. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-515. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-516. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC-517. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Suspension of Community Eligibility” ((44 CFR Part 64) (Docket No. FEMA-2014-0002)) received in the Office of the President of the Senate on February 3, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-518. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Suspension of Community Eligibility” ((44 CFR Part 64) (Docket No. FEMA-2014-0002)) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-519. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Libya that was originally declared in Executive Order 13566 of February 25, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-520. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 of July 22, 2004, relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC-521. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to transnational criminal organizations that was declared in Executive Order 13581 of July 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-522. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Suspension of Community Eligibility” ((44 CFR Part 64) (Docket No. FEMA-2014-0002)) received in the Office of the President of the Senate on January 28, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-523. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “U.S.-India Bilateral Understanding: Additional Revisions to the U.S. Export and Re-

export Controls Under the Export Administration Regulations” (RIN0694-AF72) received in the Office of the President of the Senate on January 28, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC-524. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Brucellosis Class Free States Certified Brucellosis-Free Herds; Revisions to Testing and Certification Requirements” ((RIN0579-AD22) (Docket No. APHIS-2009-0083)) received in the Office of the President of the Senate on February 3, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-525. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Technical Amendments: Transfer of Office Functions” (RIN1992-AA47) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Energy and Natural Resources.

EC-526. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program: Energy Conservation Standards for Automatic Ice Makers” ((RIN1904-AC39) (Docket No. EERE-2010-BT-STD-0037)) received in the Office of the President of the Senate on January 30, 2015; to the Committee on Energy and Natural Resources.

EC-527. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Energy Conservation Program: Energy Conservation Standards for General Service Fluorescent Lamps and Incandescent Reflector Lamps” ((RIN1904-AC39) (Docket No. EERE-2011-BT-STD-0006)) received in the Office of the President of the Senate on January 30, 2015; to the Committee on Energy and Natural Resources.

EC-528. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Significant New Use Rules on Certain Chemical Substances” ((RIN2070-AB27) (FRL No. 9919-68)) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Environment and Public Works.

EC-529. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources Wastewater Limit Withdrawal” ((RIN2060-AS45) (FRL No. 9921-80-OAR)) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Environment and Public Works.

EC-530. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Idaho and Oregon: Negative Declarations” (FRL No. 9922-34-Region 10) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Environment and Public Works.

EC-531. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Revisions to Emissions Inventory Requirements, and General Provisions” (FRL No. 9922-25-Region 6) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Environment and Public Works.

EC-532. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report entitled “North Atlantic Coast Comprehensive Study: Resilient Adaptation to Increasing Risk”; to the Committee on Environment and Public Works.

EC-533. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Dassault Aviation Airplanes” ((RIN2120-AA64) (Docket No. FAA-2014-0626)) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC-534. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; ATR-GIE Avions de Transport Regional Airplanes” ((RIN2120-AA64) (Docket No. FAA-2014-0530)) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC-535. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Airplanes” ((RIN2120-AA64) (Docket No. FAA-2014-0526)) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC-536. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier, Inc. Airplanes” ((RIN2120-AA64) (Docket No. FAA-2014-0582)) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC-537. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Helicopters (Previously Eurocopter France)” ((RIN2120-AA64) (Docket No. FAA-2014-1058)) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC-538. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (20); Amdt. No. 3619” (RIN2120-AA65) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC-539. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (75); Amdt. No. 3621" (RIN2120-AA65) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC-540. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (19); Amdt. No. 3620" (RIN2120-AA65) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC-541. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (108); Amdt. No. 3622" (RIN2120-AA65) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC-542. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Aviation Training Device Credit for Pilot Certification; Withdrawal" (RIN2120-AK62) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC-543. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Management Systems for Domestic, Flag, and Supplemental Operations Certificate Holders" (RIN2120-AJ86) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC-544. A communication from the Secretary of Labor, transmitting, pursuant to law, the Pension Benefit Guaranty Corporation's Office of Inspector General's Semi-annual Report to Congress and the Pension Benefit Guaranty Corporation Management's Response for the period from April 1, 2014, through September 30, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-545. A communication from the Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled "U.S. Department of Homeland Security Annual Performance Report for Fiscal Years 2014-2016"; to the Committee on Homeland Security and Governmental Affairs.

EC-546. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-590, "Education Licensure Commission Temporary Amendment Act of 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-547. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-591, "Wage Theft Prevention Correction and Clarification Temporary Amendment Act of 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-548. A communication from the Chairman of the Council of the District of Colum-

bia, transmitting, pursuant to law, a report on D.C. Act 20-589, "Early Learning Quality Improvement Network Temporary Amendment Act of 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-549. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, the Annual Performance Plan for the Office of Government Ethics for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC-550. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-80; Small Entity Compliance Guide" (FAC 2005-80) received in the Office of the President of the Senate on February 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-551. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Technical Amendments" (FAC 2005-80) received in the Office of the President of the Senate on February 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-552. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Ending Trafficking in Persons" ((RIN9000-AM55) (FAC 2005-80)) received in the Office of the President of the Senate on February 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-553. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Management and Oversight of the Acquisition of Services" ((RIN9000-AM84) (FAC 2005-80)) received in the Office of the President of the Senate on February 3, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-554. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems: Redefinition of the Fort Wayne-Marion, IN, and Detroit, MI, Appropriated Fund Federal Wage System Wage Areas" (RIN3206-AN06) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-555. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-592, "District Government Certificate of Good Standing Filing Requirement Amendment Act of 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-556. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Buy American Act Report for fiscal year 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-557. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20-501, "Paint Stewardship Act of 2014"; to the Committee on Homeland Security and Governmental Affairs.

EC-558. A communication from the Administrator, General Services Administration,

transmitting, pursuant to law, a report relative to mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel; to the Committee on Homeland Security and Governmental Affairs.

EC-559. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary for Management, Department of Homeland Security, received in the Office of the President of the Senate on January 28, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-560. A communication from the Board Chair and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's annual report concerning its compliance with the Sunshine Act for calendar year 2014; to the Committee on Homeland Security and Governmental Affairs.

EC-561. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-80; Introduction" (FAC 2005-80) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-562. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (33); Amdt. No. 3624" (RIN2120-AA65) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC-563. A communication from the Chair of the Aerospace Safety Advisory Panel, National Aeronautics and Space Administration, transmitting, pursuant to law, the Panel's annual report for 2014; to the Committee on Commerce, Science, and Transportation.

EC-564. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Annual Report of the Maritime Administration (MARAD) for fiscal year 2013; to the Committee on Commerce, Science, and Transportation.

EC-565. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulations; Port of New York" ((RIN1625-AA01) (Docket No. USCG-2013-0018)) received in the Office of the President of the Senate on January 28, 2015; to the Committee on Commerce, Science, and Transportation.

EC-566. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; List of Authorized Fisheries and Gear" (RIN0648-BD67) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC-567. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Telemarketing Sales Rule Fees" (RIN3084-AA98) received in the Office of the President of the Senate on January 28, 2015; to the Committee on Commerce, Science, and Transportation.

EC-568. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Highway-Rail Crossing Inventory Reporting Requirements" (RIN2130-AC26) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Commerce, Science, and Transportation.

EC-569. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Office of the Medicare Ombudsman 2013 Report to Congress"; to the Committee on Finance.

EC-570. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "List of Automatic Changes" (Rev. Proc. 2015-14) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Finance.

EC-571. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 5000A National Average Premium for a Bronze Level of Coverage (2015)" (Rev. Proc. 2015-15) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Finance.

EC-572. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Procedures to Change a Method of Accounting for Federal Income Tax Purposes" (Rev. Proc. 2015-13) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Finance.

EC-573. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Biodiesel and Alternative Fuels; Claims for 2014; Excise Tax" (Notice 2015-3) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Finance.

EC-574. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application for Recognition as a 501(c)(29) Organization" (RIN1545-BK64) (TD 9709) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Finance.

EC-575. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates - February 2015" (Rev. Rul. 2015-3) received in the Office of the President of the Senate on February 2, 2015; to the Committee on Finance.

EC-576. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS-2015-0096); to the Committee on Foreign Relations.

EC-577. A communication from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS-2015-0097); to the Committee on Foreign Relations.

EC-578. A communication from the Acting Assistant Secretary, Bureau of Political-

Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS-2015-0098); to the Committee on Foreign Relations.

EC-579. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Under Secretary for Management, Department of Homeland Security, received in the Office of the President of the Senate on January 28, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC-580. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a report entitled "Fiscal Year 2013 Report to Congress Pursuant to 25 U.S.C. 450j-1(c) on the Funding Requirements for Contract Support Costs"; to the Committee on Indian Affairs.

EC-581. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Temporary Placement of Three Synthetic Cannabinoids into Schedule I" (Docket No. DEA-402) received in the Office of the President of the Senate on January 30, 2015; to the Committee on the Judiciary.

EC-582. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report entitled "Report of the Proceedings of the Judicial Conference of the United States" for the September 2014 session; to the Committee on the Judiciary.

EC-583. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Corporation's fiscal year 2016 Congressional Budget Justification; to the Committee on Health, Education, Labor, and Pensions.

EC-584. A communication from the Inspector General of the Railroad Retirement Board, transmitting, pursuant to law, the Board's Congressional Budget Justification for fiscal year 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-585. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14-113); to the Committee on Foreign Relations.

EC-586. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14-128); to the Committee on Foreign Relations.

EC-587. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14-123); to the Committee on Foreign Relations.

EC-588. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14-080); to the Committee on Foreign Relations.

EC-589. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2015-0004 - 2015-0010); to the Committee on Foreign Relations.

EC-590. A communication from the Assistant Secretary, Legislative Affairs, Depart-

ment of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14-130); to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALEXANDER, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 227. A bill to strengthen the Federal education research system to make research and evaluations more timely and relevant to State and local needs in order to increase student achievement.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEE (for himself, Mr. LEAHY, Mr. CORNYN, Mr. MORAN, Mr. GARDNER, Mrs. SHAHEEN, Mr. MERKLEY, and Mr. BLUMENTHAL):

S. 356. A bill to improve the provisions relating to the privacy of electronic communications; to the Committee on the Judiciary.

By Mr. FLAKE (for himself and Mr. CORNYN):

S. 357. A bill to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos, and for other purposes; to the Committee on the Judiciary.

By Mrs. SHAHEEN (for herself, Mr. REID, Mrs. MURRAY, Mr. BROWN, Mr. BENNET, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. MARKEY, Mrs. GILLIBRAND, Ms. BALDWIN, Mr. DURBIN, Mr. COONS, Mr. SANDERS, Ms. STABENOW, Mrs. BOXER, Ms. WARREN, Mrs. FEINSTEIN, Ms. CANTWELL, Mr. MENENDEZ, Mr. TESTER, Mr. CARDIN, Ms. HIRONO, Mr. FRANKEN, and Mr. SCHATZ):

S. 358. A bill to amend title 10, United States Code, to ensure that women members of the Armed Forces and their families have access to the contraception they need in order to promote the health and readiness of all members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. CASSIDY (for himself and Mr. RUBIO):

S. 359. A bill to amend title I of the Patient Protection and Affordable Care Act to impose restrictions on the risk corridor program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself and Mr. RISCH):

S. 360. A bill to authorize an additional district judgeship for the district of Idaho; to the Committee on the Judiciary.

By Mr. LEE (for himself and Mr. MCCAIN):

S. 361. A bill to direct the Secretary of the Interior to sell certain Federal lands in Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, and Wyoming, previously identified as suitable for disposal, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BLUNT (for himself, Mr. GRASSLEY, Mr. ROBERTS, Mr. CORNYN, Mr. COATS, Mr. SCOTT, and Mr. RISCH):

S. 362. A bill to amend title 5, United States Code, to provide for investigative leave requirements with respect to Senior Executive Service employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRASSLEY (for himself, Ms. MIKULSKI, Mr. CASEY, Mr. WHITEHOUSE, and Mr. BOOZMAN):

S. 363. A bill to amend the Elementary and Secondary Education Act of 1965 to aid gifted and talented and high-ability learners by empowering the Nation's teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUNT (for himself and Mr. SCHUMER):

S. 364. A bill to amend the Internal Revenue Code of 1986 to extend tax incentives to certain live theatrical performances, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. LEE):

S. 365. A bill to improve rangeland conditions and restore grazing levels within the Grand Staircase-Escalante National Monument, Utah; to the Committee on Energy and Natural Resources.

By Mr. TESTER (for himself, Mr. COCHRAN, Mr. LEAHY, Mrs. MCCASKILL, Mr. UDALL, Mrs. BOXER, Mr. DURBIN, Mr. KING, Ms. HEITKAMP, Ms. WARREN, Mr. DONNELLY, Mr. BROWN, Mr. SANDERS, Mrs. GILLIBRAND, Mr. MENENDEZ, Ms. HIRONO, Mr. HEINRICH, Mr. WHITEHOUSE, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. MURPHY, Mr. CARDIN, Mr. PETERS, Mr. MERKLEY, Mr. KAINE, Ms. AYOTTE, Ms. COLLINS, Mr. GARDNER, Mr. GRASSLEY, Mr. SCOTT, Mr. WICKER, and Mr. DAINES):

S. 366. A bill to require Senate candidates to file designations, statements, and reports in electronic form; to the Committee on Rules and Administration.

By Mr. TESTER (for himself, Mr. UDALL, Mrs. GILLIBRAND, and Mrs. BOXER):

S. 367. A bill to amend the Internal Revenue Code of 1986 to require that return information from tax-exempt organizations be made available in a searchable format and to provide the disclosure of the identity of contributors to certain tax-exempt organizations; to the Committee on Finance.

By Mr. TOOMEY (for himself and Mr. MANCHIN):

S. 368. A bill to amend title 18, United States Code, to require that the Director of the Bureau of Prisons ensure that each chief executive officer of a Federal penal or correctional institution provides a secure storage area located outside of the secure perimeter of the Federal penal or correctional institution for firearms carried by certain employees of the Bureau of Prisons, and for other purposes; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. BLUNT):

S. 369. A bill to enhance pre- and post-adoptive support services; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Ms. AYOTTE, Mrs. GILLIBRAND, Mrs. BOXER, Ms. HEITKAMP, Ms. BALDWIN, Mr. BROWN, Ms. MIKULSKI, Ms. STABENOW, Mrs. CAPITO, Mrs. SHAHEEN, Mr. CASEY, Ms. HIRONO, Mrs. MCCASKILL, Ms. WARREN, and Ms. CANTWELL):

S. 370. A bill to require breast density reporting to physicians and patients by facilities that perform mammograms, and for

other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mrs. BOXER, Mr. SULLIVAN, and Ms. CANTWELL):

S. 371. A bill to remove a limitation on a prohibition relating to permits for discharges incidental to normal operation of vessels; to the Committee on Environment and Public Works.

By Mrs. CAPITO (for herself, Mr. CRAPO, Ms. HEITKAMP, Mr. MANCHIN, Mr. MERKLEY, and Mr. TOOMEY):

S. 372. A bill to ensure access to certain information for financial services industry regulators, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. RUBIO (for himself, Mr. THUNE, and Mr. NELSON):

S. 373. A bill to provide for the establishment of nationally uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel; to the Committee on Commerce, Science, and Transportation.

By Mrs. SHAHEEN (for herself and Ms. AYOTTE):

S. 374. A bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to extend the requirement of the Secretary to furnish hospital care and medical services through non-Department of Veterans Affairs entities to veterans residing in certain locations; to the Committee on Veterans' Affairs.

By Mr. CARDIN (for himself, Ms. COLLINS, Ms. BALDWIN, Mr. COCHRAN, Mr. BLUMENTHAL, Mr. KIRK, Mr. CARPER, Ms. MURKOWSKI, Mr. CASEY, Mr. PORTMAN, Ms. CANTWELL, Mr. COONS, Mr. HEINRICH, Ms. HIRONO, Mr. KING, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mr. SANDERS, Mr. SCHUMER, Mr. WYDEN, and Ms. KLOBUCHAR):

S. 375. A bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers; to the Committee on Finance.

By Mr. KIRK (for himself, Mr. BLUNT, Mr. DURBIN, Mr. BOOZMAN, and Mr. LEAHY):

S. 376. A bill to amend the Internal Revenue Code of 1986 to exclude payments received under the Work Colleges Program from gross income, including payments made from institutional funds; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. ROBERTS, Mr. LEAHY, and Ms. COLLINS):

S. 377. A bill to amend title XVIII of the Social Security Act to increase access to ambulance services under the Medicare program and to reform payments for such services under such program, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. BLUNT, Mr. CRUZ, Mr. HATCH, Mr. PAUL, Mr. CORNYN, Mr. RUBIO, Mr. INHOFE, Mrs. FISCHER, Mr. FLAKE, Mr. LEE, Mrs. CAPITO, and Mr. GARDNER):

S. 378. A bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. CORNYN, Mr. LEE, Mr. MCCAIN, Mr. ENZI, Mr. SCOTT, Mr. JOHNSON, Mr. INHOFE, Mr. BLUNT, Mr. MORAN, Mr. ISAKSON, Mr. GARDNER, Mr. HOEVEN, Mr. BARASSO, Mr. CRAPO, Mr. WICKER, Mr. VITTER, Mr. HELLER, Mr. ALEXANDER, Mr. TOOMEY, Mr. BOOZMAN, Ms.

AYOTTE, Mr. THUNE, Mr. KIRK, Mr. ROBERTS, Mr. PORTMAN, Mr. CRUZ, Mr. GRAHAM, Mr. CASSIDY, Mr. RUBIO, Ms. MURKOWSKI, Mrs. FISCHER, Mr. FLAKE, Mr. RISCH, Mr. PERDUE, Mr. COCHRAN, Mr. LANKFORD, Mr. BURR, Mrs. CAPITO, Mr. SULLIVAN, Mr. DAINES, Mr. ROUNDS, Mr. MCCONNELL, Mr. GRASSLEY, Mr. COATS, Mrs. ERNST, Mr. TILLIS, Mr. COTTON, Ms. COLLINS, Mr. SHELBY, Mr. CORKER, Mr. PAUL, Mr. SESSIONS, and Mr. SASSE):

S.J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget; to the Committee on the Judiciary.

By Mr. TESTER (for himself and Mr. WHITEHOUSE):

S.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States to clarify the authority of Congress and the States to regulate corporations, limited liability companies, and other corporate entities established by the laws of any State, the United States, or any foreign state; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mrs. SHAHEEN, Mr. COONS, Mr. ISAKSON, Mr. BOOZMAN, and Mr. DURBIN):

S. Res. 65. A resolution supporting efforts to bring an end to violence perpetrated by Boko Haram, and urging the Government of Nigeria to conduct transparent, peaceful, and credible elections; to the Committee on Foreign Relations.

By Mr. BLUMENTHAL:

S. Res. 66. A resolution expressing support for the designation of February 12, 2015, as "Darwin Day" and recognizing the importance of science in the betterment of humanity; to the Committee on Commerce, Science, and Transportation.

By Mr. ALEXANDER (for himself and Mr. LEE):

S. Res. 67. A resolution amending rule XXII of the Standing Rules of the Senate to revise the number of affirmative votes required to end debate on nominations; to the Committee on Rules and Administration.

By Mr. JOHNSON (for himself and Mrs. SHAHEEN):

S. Res. 68. A resolution expressing the sense of the Senate regarding the January 24, 2015, attacks carried out by Russian-backed rebels on the civilian population in Mariupol, Ukraine, and the provision of lethal and non-lethal military assistance to Ukraine; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 149

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 149, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 165

At the request of Ms. AYOTTE, the names of the Senator from South Dakota (Mr. ROUNDS) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of S. 165, a bill to extend and enhance prohibitions and limitations with respect to the transfer or release of individuals detained at United



States Naval Station, Guantanamo Bay, Cuba, and for other purposes.

S. 168

At the request of Mr. ROBERTS, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 168, a bill to codify and modify regulatory requirements of Federal agencies.

S. 182

At the request of Mr. ROBERTS, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 182, a bill to amend the Elementary and Secondary Education Act of 1965 to prohibit Federal education mandates, and for other purposes.

S. 209

At the request of Mr. BARRASSO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 209, a bill to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes.

S. 257

At the request of Mr. MORAN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 257, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 258

At the request of Mr. ROBERTS, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to remove the 96-hour physician certification requirement for inpatient critical access hospital services.

S. 269

At the request of Mr. KIRK, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 269, a bill to expand sanctions imposed with respect to Iran and to impose additional sanctions with respect to Iran, and for other purposes.

S. 271

At the request of Mr. REID, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 271, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 289

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 289, a bill to prioritize funding for an expanded and sustained

national investment in biomedical research.

S. 291

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 291, a bill to amend the Immigration and Nationality Act to provide for extensions of detention of certain aliens ordered removed, and for other purposes.

S. 301

At the request of Mrs. FISCHER, the names of the Senator from Missouri (Mr. BLUNT), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 301, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

S. 316

At the request of Mr. KIRK, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 316, a bill to amend the charter school program under the Elementary and Secondary Education Act of 1965.

S. 334

At the request of Mr. PORTMAN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 334, a bill to amend title 31, United States Code, to provide for automatic continuing resolutions.

S. 338

At the request of Mr. BURR, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 338, a bill to permanently reauthorize the Land and Water Conservation Fund.

S.J. RES. 1

At the request of Mr. VITTER, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S. RES. 63

At the request of Mr. KING, his name was added as a cosponsor of S. Res. 63, a resolution congratulating the New England Patriots on their victory in Super Bowl XLIX.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEE (for himself, Mr. LEAHY, Mr. CORNYN, Mr. MORAN, Mr. GARDNER, Mrs. SHAHEEN, Mr. MERKLEY, and Mr. BLUMENTHAL):

S. 356. A bill to improve the provisions relating to the privacy of electronic communications; to the Committee on the Judiciary.

Mr. LEE. Mr. President, the Electronic Communications Privacy Act was first enacted in 1986. I would ask

my colleagues, what were you doing in 1986? Mr. President, 1986 was a long time ago. In 1986 I was in the ninth grade. This was an age when not everyone had a personal computer. My family didn't have a computer. Most of the people I knew who had a computer had something like the Commodore VIC-20, which was a very small computer with very little processing power compared to what we have today. But this law, the Electronic Communications Privacy Act—or ECPA, as it is sometimes known—was and still is an important law with an increasingly important objective; that is, to ensure that government agencies respect the Fourth Amendment in accessing an individual's electronic communications.

In the nearly three decades since ECPA became law, technology has advanced rapidly, dramatically, far beyond the capacity of this particular law, ECPA, to keep up. The prevalence of email and the low cost of electronic data storage have made what were once robust protections vastly insufficient to ensure that citizens' rights are protected with respect to their electronic communications, such as email.

There is no reason we should still be operating under a law written in the analog age when we are living in a digital world. This is a little bit like operating with a DOS-based operating system in the age of much more sophisticated software systems that help us interact relatively seamlessly with our computers. That is why Senator LEAHY and I have come together to craft this truly bipartisan piece of legislation which would modernize ECPA and bring constitutional protections against worthless searches and seizures into harmony with the technological realities of the 21st century.

The Lee-Leahy ECPA Amendments Act of 2015 would prohibit electronic communications or remote computing service providers—such as Gmail or Facebook or Twitter, for example—from voluntarily disclosing the contents of customer emails or other communications. It eliminates the ambiguous and outdated 180-day rule that some government agencies believe grants them warrantless access to the content of older emails. That is any emails older than the very young age of 180 days old. Instead, all requests for the content of electronic communications would require a search warrant—a search warrant required by the Fourth Amendment, a search warrant based on probable cause—and law enforcement agencies would be required to notify within 10 days any persons whose email accounts were searched, subject to some logical and narrow exceptions, of course.

This legislation is also carefully crafted so that it would not impede the ability of law enforcement agencies to conduct legitimate investigative activities consistent with the Fourth Amendment.

I am pleased to say that our bill enjoys very broad support from the technology industry, from privacy advocates, constitutional scholars, and policy groups on both ends of the ideological spectrum in America.

The Lee-Leahy ECPA Amendments Act of 2015 is truly bipartisan in nature. The Senate bill, in addition to Senators LEAHY and myself as the principal sponsors, also has six additional cosponsors. We have Republican Senators CORNYN, MORAN, and GARDNER and Democratic Senators SHAHEEN, MERKLEY, and BLUMENTHAL. I hope and expect that we will have a lot of additional Senators of both political parties who will join us in this effort. The House version of this bill has 228 additional cosponsors—a very critical majority.

By working together as a Democrat from Vermont and a Republican from Utah, we hope all Senators will join with us to pass this meaningful, bipartisan legislation that would benefit all Americans. Congress should pass ECPA reform this year, and President Obama should sign these important privacy reforms into law.

I will end this discussion as I began. What were you doing in 1986? As it relates to your interaction with the digital world with computers, I would imagine that even though your life might be in many respects similar to what it was in 1986, it is very different in the way you interact with computers, with technology, with the online world, which basically no one was even aware of in 1986. Since 1986 the world has changed. We need to change the world to keep up with the times. We need to change the law to hold in place those protections that have been in our Constitution since 1791 to make sure the privacy rights of the American people are respected.

I encourage each of my colleagues to support this bill.

Mr. LEAHY. Mr. President, I want to talk about privacy because privacy is not a partisan issue. It never has been, and never should be. Remember, 30 years ago I was in the minority. The Republicans were in the majority and controlled the Senate. It was then that I worked with my colleagues and led the effort to write the Electronic Communications Privacy Act, ECPA.

It required a lot of education because back then, electronic mail was an emerging technology. The World Wide Web was unimaginable. Electronic data storage was astronomically expensive. No one could have envisioned the way mobile technologies would transform our lives. Yet fortunately many of us in Congress had the foresight to anticipate that these new electronic communications would also need privacy protections.

That was 30 years ago. Look at what has changed since then. Now three decades later, that law is out of date. So today the Senator from Utah, Mr. LEE, and I are reintroducing the Electronic Communications Privacy Act Amend-

ments Act of 2015. We want to bring this law into the 21st century. Our legislation is very straightforward. It ensures that the private information that we Americans electronically store in the cloud gets the same protections as the private information we Americans physically store at home. As it did in 1986, I hope the Senate will come together on a bipartisan basis to support these commonsense protections.

All of us have an expectation that the things we store in our house are private. If law enforcement wants access to them, they have to get the proper search warrants. Today, there seems to be an idea that if they are stored electronically, these rules should not apply.

I believe they should.

The bill Senator LEE and I introduced today protects Americans' digital privacy—in their emails and all the other files and photographs they store in the cloud. It promotes cloud computing and other new technologies by building consumer trust. And it also provides law enforcement agencies with the tools they need to ensure public safety.

I would remind my colleagues that several years ago the U.S. Circuit Court of Appeals for the Sixth Circuit found that email was fully protected by the Fourth Amendment. It said that “the Fourth Amendment must keep pace with the inexorable march of technological progress, or its guarantees will wither and perish.” This bill takes up that challenge.

Obviously we have technologies today that nobody would have dreamed of just a couple of generations ago. But we have a Constitution that has protected this country for well over 200 years, and we hope it will protect it for hundreds of years into the future. We need to make sure our laws keep up with the protections we Americans expect from our Constitution.

First and most importantly, the bill enshrines in statute the fundamental Fourth Amendment warrant requirement for email, texts, and other electronic data. It requires that the government have a criminal search warrant based on probable cause to obtain the stored content of Americans' email and other electronic communications from third-party providers. This ensures that email communications have the same protections as phone calls and private documents stored in your home.

However, the bill's warrant requirement contains an important exception to address emergency circumstances. It explicitly states that it does not affect current authorities under the Wiretap Act or the Foreign Intelligence Surveillance Act. And it ensures that law enforcement can continue to investigate corporate wrongdoing by using grand jury subpoenas to obtain emails directly from corporate entities when held on their internal systems.

The second major component of the bill requires law enforcement agencies

to promptly notify individuals when the government has obtained their emails through their service providers, but permits a delay of that notice to protect the integrity of ongoing investigations—no different from what we do in other law enforcement matters. The bill would also require service providers to notify the government three days before they inform a customer that the provider disclosed their information to the government.

This is not a Republican or Democratic issue, nor is it liberal or conservative. In fact, Senator LEE and I would note that we have a broad coalition of more than 50 privacy, civil liberties, civil rights, and technology industry groups and leaders from across the political spectrum who have endorsed this reform effort. Support spans from the Heritage Foundation and Americans for Tax Reform, to the Center for Democracy and Technology and the ACLU.

Mr. President, I ask unanimous consent to have printed in the RECORD the January 22, 2015, coalition letter in support of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 22, 2015.

Hon. CHARLES GRASSLEY,  
*Chairman,*  
*Senate Judiciary Committee.*  
Hon. PATRICK J. LEAHY,  
*Ranking Member,*  
*Senate Judiciary Committee.*

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER LEAHY: We, the undersigned companies and organizations, are writing to urge speedy consideration of Sen. Leahy's and Sen. Lee's ECPA Amendments Act that we expect will be introduced in the coming weeks. The bill would update the Electronic Communications Privacy Act (ECPA) to provide stronger protection to sensitive personal and proprietary communications stored in “the cloud.” The legislation was considered and adopted by a voice vote in the Committee in the 113th Congress.

ECPA, which sets standards for government access to private communications, is critically important to businesses, government investigators and ordinary citizens. Though the law was forward-looking when enacted in 1986, technology has advanced dramatically and ECPA has been outpaced. Courts have issued inconsistent interpretations of the law, creating uncertainty for service providers, for law enforcement agencies, and for the hundreds of millions of Americans who use the Internet in their personal and professional lives. Moreover, the Sixth Circuit Court of Appeals in *US v. Warshak* has held that a provision of ECPA allowing the government to obtain a person's email without a warrant is unconstitutional.

The ECPA Amendments Act would update ECPA in one key respect, making it clear that, except in emergencies or under other existing exceptions, the government must obtain a warrant in order to compel a service provider to disclose the content of emails, texts or other private material stored by the service provider on behalf of its users.

This standard would provide greater privacy protections and create a more level playing field for technology. It would cure the constitutional defect identified by the Sixth Circuit. It would allow law enforcement officials to obtain electronic communications in all appropriate cases while protecting

Americans' constitutional rights. Notably, the Department of Justice and FBI already follow the warrant-for-content rule. It would provide certainty for American businesses developing innovative new services and competing in a global marketplace. It would implement a core principle supported by Digital Due Process, [www.digitaldueprocess.org](http://www.digitaldueprocess.org), a broad coalition of companies, privacy groups, think tanks, academics and other groups.—

This legislation has seemingly been held up by only one issue—an effort to allow civil regulators to demand, without a warrant, the content of customer documents and communications directly from third party service providers. This should not be permitted. Such warrantless access would expand government power; government regulators currently cannot compel service providers to disclose their customers' communications. It would prejudice the innovative services that all stakeholders support, and would create one procedure for data stored locally and a different one for data stored in the cloud.

Because of all its benefits, there is an extraordinary consensus around ECPA reform—one unmatched by any other technology and privacy issue. Successful passage of ECPA reform sends a powerful message—Congress can act swiftly on crucial, widely supported, bipartisan legislation. Failure to enact reform sends an equally powerful message—that privacy protections are lacking in law enforcement access to user information and that constitutional values are imperiled in a digital world.

For all these reasons, we strongly urge all members of the Senate Judiciary Committee to support the ECPA Amendments Act.

Sincerely,

ACT—The App Association, Adobe, Amazon, American Association of Law Libraries, American Booksellers for Free Expression, American Civil Liberties Union, American Library Association, Americans for Tax Reform and Digital Liberty, AOL, Apple, Association of Research Libraries, Automatic, Autonet Mobile, Brennan Center for Justice, BSA |, The Software Alliance, Center for Financial Privacy and Human Rights, Center for Democracy & Technology, Center for National Security Studies, Cisco, Competitive Enterprise Institute, Computer & Communications Industry Association, Consumer Action, Council for Citizens Against Government Waste, Data Foundry, Deluxe Corporation, Demand Progress, Direct Marketing Association, Discovery Institute, Distributed Computing Industry Association (DCIA).

Dropbox, eBay, Electronic Frontier Foundation, Engine, Evernote, Facebook, First Amendment Coalition, Foursquare, FreedomWorks, Future of Privacy Forum, Gen Opp, Golden Frog, Google, Hewlett-Packard, Information Technology Industry Council (ITI), Internet Association, Internet Infrastructure Coalition (I2Coalition), Intuit, Less Government, Liberty Coalition, LinkedIn, NetChoice, New America's Open Technology Institute, Newspaper Association of America, Oracle, Personal, R Street, ServInt, SIIA: Software & Information Industry Association, Snapchat, Sonic, Taxpayers Protection Alliance, TechFreedom, TechNet, The Constitution Project, The Federation of Genealogical Societies, Tumblr, Twitter, U.S. Chamber of Commerce, Venture Politics, Yahoo.

Mr. LEAHY. I am also pleased that Senators SHAHEEN, MORAN, CORNYN, MERKLEY, GARDNER, and BLUMENTHAL have joined this effort with Senator LEE and I. I commend them because we do have an opportunity this year to make progress on bipartisan, common-sense legislation to protect the privacy

of Americans' email and update our laws to keep pace with technology. And I also congratulate our House partners, Representatives YODER and POLIS, who are introducing this legislation today in the House of Representatives with 228 cosponsors from both parties.

In the last Congress, the Senate Judiciary Committee unanimously supported this bill, Republicans and Democrats alike. We have continued the hard work of building a broad bipartisan coalition in support of this bill. Now is the time to act swiftly to bring our privacy protections into the digital age.

I will continue to work with Senator LEE, Senator CORNYN, Senator MORAN, Senator SHAHEEN, Senator MERKLEY, Senator GARDNER, and Senator BLUMENTHAL on this issue because while I am proud to have them as cosponsors, I am also proud that we are doing the right thing

By Mrs. FEINSTEIN (for herself, Ms. AYOTTE, Mrs. GILLIBRAND, Mrs. BOXER, Ms. HEITKAMP, Ms. BALDWIN, Mr. BROWN, Ms. MIKULSKI, Ms. STABENOW, Mrs. CAPITO, Mrs. SHAHEEN, Mr. CASEY, Ms. HIRONO, Mrs. MCCASKILL, Ms. WARREN, and Ms. CANTWELL):

S. 370. A bill to require breast density reporting to physicians and patients by facilities that perform mammograms, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, even though we have made great strides in the treatment and diagnosis of breast cancer, this disease continues to be the second leading cause of death for women in the United States.

When women receive their mammography report and it comes out normal, they usually move on with their day thinking everything is just fine. This may be the case, but for women with dense breast tissue this "normal" report doesn't capture the whole picture. This is because cancer may still be present and missed on their mammogram because it is obscured by dense breast tissue.

It is vital for women to be told this simple, yet potentially life-saving, information about their own health so they can discuss with their doctor if additional screening makes sense for them. That could be the difference between catching breast cancer early and surviving, or waiting until it's too late because you were never told your full medical information.

Even though there is a risk for cancer being missed, when women receive their mammogram report there is currently no federal requirement to include notice that they have dense breast tissue. This is the case even though the radiologist makes that determination upon reading the mammogram.

This bill is a simple solution. It requires that women be informed on the

mammogram report, that they already receive, if they have dense breast tissue, and that they may want to talk with their doctor if they have questions and if they might benefit from additional screening. Withholding this kind of medical information from women just doesn't make any sense.

This bill doesn't change any state laws. It sets a minimum Federal standard, so any state that wants to have additional reporting requirements may do so. The bill also requires the Department of Health and Human Services to focus on research and improved screening for patients with dense breast tissue. Early detection is the key to beating cancer. Every patient deserves access to their own information, especially when it may be what saves their life.

I want to thank Senator AYOTTE for working with me on this bill. I urge my colleagues to join us, and Senators GILLIBRAND, BOXER, HEITKAMP, BALDWIN, BROWN, MIKULSKI, STABENOW, CAPITO, SHAHEEN, CASEY, HIRONO, MCCASKILL, and WARREN in cosponsoring the Breast Density and Mammography Reporting Act. This bill is supported by organizations including the American Cancer Society Cancer Action Network, Are You Dense Advocacy, Breast Cancer Fund, and Susan G. Komen.

I look forward to working with my colleagues on this important issue.

By Mr. CARDIN (for himself, Ms. COLLINS, Ms. BALDWIN, Mr. COCHRAN, Mr. BLUMENTHAL, Mr. KIRK, Mr. CARPER, Ms. MURKOWSKI, Mr. CASEY, Mr. PORTMAN, Ms. CANTWELL, Mr. COONS, Mr. HEINRICH, Ms. HIRONO, Mr. KING, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mr. SANDERS, Mr. SCHUMER, Mr. WYDEN, and Ms. KLOBUCHAR):

S. 375. A bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers; to the Committee on Finance.

Mr. CARDIN. Mr. President, I am pleased to rise today with my friend and colleague, the senior Senator from Maine, Senator COLLINS, to re-introduce the Small Brewer Reinvestment & Expanding Workforce Act of 2015, otherwise known as the Small BREW Act. Our esteemed former colleague, Senator Kerry, now Secretary of State, introduced this bill in the 112th Congress. I was honored to take up the mantle in the 113th Congress.

The Small BREW Act of 2015 would reduce the excise tax on America's craft brewers. Under current Federal law, brewers producing 2 million or fewer barrels annually pay \$7 per barrel on the first 60,000 barrels they brew, and \$18 per barrel on every barrel thereafter, one barrel = 31 gallons. The Small BREW Act would create a new excise tax rate structure that helps

start-up and small breweries and reflects the evolution of the craft brewing industry. The rate for the smallest packaging breweries and brewpubs would be \$3.50 per barrel on the first 60,000 barrels. For production between 60,001 and 2 million barrels, the rate would be \$16.00 per barrel. Thereafter, the rate would be \$18.00 per barrel. Breweries with an annual production of 6 million barrels or less would qualify for these recalibrated tax rates.

The small brewer threshold and tax rate were established in 1976 and have never been updated. Since then, the largest multinational producer of beer has increased its annual production from 45 million barrels to 97 million barrels domestically and 325 million barrels globally. To put the matter in perspective, the biggest domestic craft brewer produces 2.7 million barrels of beer annually. Raising the ceiling that defines small breweries from 2 million barrels to 6 million barrels more accurately reflects the intent of the original differentiation between large and small brewers in the U.S. Because of differences in economies of scale, small brewers have higher costs for raw materials, production, packaging, and market entry compared to larger, well-established multi-national competitors. Adjusting the excise tax rate would provide small brewers with an additional \$67 million each year they could use to start or expand their businesses on a local, regional, or national scale.

This past November, the Joint Committee on Taxation, JCT, estimated the bill would cost \$253 million through 2019 and \$641 million over 10 years. A March 2013 study on the costs and benefits of the Small BREW Act bill which then-Harvard University economist John Friedman prepared on behalf of the Brewers Association, BA, indicates that the bill would directly reduce the excise tax revenue the Federal Government collects by \$67.0 million the first year after enactment. But Professor Friedman notes that such a loss would be offset in large part by \$49.1 million in new payroll and income taxes collected on increased economic activity. Professor Friedman believes that demand for craft beer will continue to increase and the Federal Government would collect an additional \$1.1 million in excise taxes from the increased sales. The net revenue loss, therefore, would be \$16.9 million the first year after enactment. The total net revenue loss over 5 years would be \$95.9 million. The bill would lead to the creation of 5,230 new jobs in the first 12-18 months after passage and the cost of each new job in foregone revenue would be just \$3,300.

While some people may think this is a bill about beer, it is really about jobs. Blue collar jobs and white collar jobs. Small brewers are small business owners in communities in each and every State across the country. Roughly 75 percent of Americans now live within 10 miles of a brewery. Nation-

ally, small and independent brewers employ over 110,000 full- and part-time employees, generate more than \$3 billion in wages and benefits, and pay more than \$2.3 billion in business, personal and consumption taxes, according to the BA. As the craft beer industry grows so, too, does the demand for American-grown barley and hops and American-made brewing, bottling, canning, and other equipment. That demand creates more good jobs.

Maryland is home to 43 craft brewers, up from 34 in 2013, with 24 more in the planning stages. The existing breweries and brew-pubs employ roughly 600 people who were directly involved in producing craft beer in the State last year, and another 700 to 1,400 part-time workers including brew-pub restaurant staff and associated employees. In 2012, the Brewers Association determined that the economic impact of the craft brewing industry on the State was \$455 million and that the industry created a total of 5,422 "full-time equivalent", FTE, jobs in Maryland, including indirect and induced jobs, paying over \$185 million in wages. Based on 2013 production figures, the Small BREW Act would provide Maryland's small brewers with roughly \$570,000 to reinvest in their growing businesses and hire more workers.

Small brewers have been anchors of local communities and America's economy since the start of our history. Indeed, there is a Mayflower document published in 1622 that explains why the Pilgrims landed at Plymouth Rock which states, "For we could not now take time for further search or consideration: our victuals being much spent, especially our beer." Presidents from George Washington to Barack Obama have been homebrewers. Going back much further, the oldest extant recipe is for beer. And many people would argue that our thirst for beer is what drove man from being a hunter-gatherer to a crop cultivator since the earliest domesticated cereal grains were various types of barley better suited for beer production than making bread. Saint Arnulf of Metz, also known as St. Arnold, who lived from roughly 582 to 640 AD, is known as the "Patron Saint of Brewers" because he recognized that beer, which is boiled first, contains alcohol and is slightly acidic, was much safer to consume than water. French chemist and microbiologist Louis Pasteur, 1822-1895, who discovered yeast and propounded the germ theory that is the basis of so much of modern medicine, worked for breweries for much of his career. The pH scale, the standard measurement of acidity, was developed by the head of Carlsberg Laboratory's Chemical Department in 1909. Dr Soren Sorensen, 1868-1939, developed the pH scale during his pioneering research into proteins, amino acids and enzymes—the basis of today's protein chemistry. So it is fair to say that civilization and beer go hand-in-hand.

In addition to making high-quality beers, craft brewers such as Maryland's

Flying Dog, Union Craft, Ruddy Duck, Baying Hound, Heavy Seas, and The Brewers Art create jobs and reinvest their profits back into their local economies. The Federal Government needs to be investing in industries that invest in America and create real jobs here at home. With more than 3,200 small and independent breweries and brew-pubs currently operating in the United States—and many more being planned—now is the time to take meaningful action to help them and our economy grow. An article in today's New York Times entitled "Betting on the Growth of Microbreweries" quotes BA economist Dr. Bart Watson as saying, "Brewery after brewery is looking for ways to grow because when you talk to these companies, the biggest constraint is capacity. They're selling beer as fast as they can make it." Let us help them grow.

I am proud to announce that Senators BALDWIN, BLUMENTHAL, CANTWELL, CARPER, CASEY, COCHRAN, COONS, HEINRICH, HIRONO, KING, KIRK, KLOBUCHAR, LEAHY, MARKEY, MENENDEZ, MERKLEY, MIKULSKI, MURKOWSKI, MURPHY, PORTMAN, SANDERS, SCHUMER, and WYDEN have all signed on as original co-sponsors of the Small BREW Act, and I encourage the rest of my Senate colleagues to consider joining us in this worthwhile legislative endeavor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 375

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Brewer Reinvestment and Expanding Workforce Act" or as the "Small BREW Act".

#### SEC. 2. REDUCED RATE OF EXCISE TAX ON BEER PRODUCED DOMESTICALLY BY CERTAIN QUALIFYING PRODUCERS.

(a) IN GENERAL.—Paragraph (2) of section 5051(a) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and

(2) by striking subparagraph (A) and inserting the following new subparagraphs:

“(A) IN GENERAL.—In the case of a brewer who produces not more than 6,000,000 barrels of beer during the calendar year, the per barrel rate of tax imposed by this section shall be—

“(i) \$3.50 on the first 60,000 qualified barrels of production, and

“(ii) \$16 on the first 1,940,000 qualified barrels of production to which clause (i) does not apply.

“(B) QUALIFIED BARRELS OF PRODUCTION.—For purposes of this paragraph, the term ‘qualified barrels of production’ means, with respect to any brewer for any calendar year, the number of barrels of beer which are removed in such year for consumption or sale and which have been brewed or produced by such brewer at qualified breweries in the United States.”.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 5051(a)(2) of such Code, as redesignated by this section, is amended—

(A) by striking “2,000,000 barrel quantity” and inserting “6,000,000 barrel quantity”, and  
(B) by striking “60,000 barrel quantity” and inserting “60,000 and 1,940,000 barrel quantities”.

(2) Subparagraph (D) of such section, as so redesignated, is amended by striking “2,000,000 barrels” and inserting “6,000,000 barrels”.

(C) EFFECTIVE DATE.—The amendments made by this section shall apply to beer removed during calendar years beginning after the date of the enactment of this Act.

By Mr. GRASSLEY (for himself, Mr. BLUNT, Mr. CRUZ, Mr. HATCH, Mr. PAUL, Mr. CORNYN, Mr. RUBIO, Mr. INHOFE, Mrs. FISCHER, Mr. FLAKE, Mr. LEE, Mrs. CAPITO, and Mr. GARDNER):

S. 378. A bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce an important piece of regulatory reform legislation.

A study released this past fall by the National Association of Manufacturers estimates that U.S. Federal Government regulations imposed over \$2 trillion in compliance costs on American businesses in 2012. This is an amount equal to 12 percent of our Nation's GDP.

The study also demonstrated—and this should come as no surprise—that the cost of complying with all those regulations falls disproportionately on small businesses. Small manufacturing firms, in particular, grapple with regulatory compliance costs that are more than three times those felt by the average company in the United States.

It is no wonder why many American businesses are shuttering or moving their entire operation overseas. And how many folks dreamed of starting a small business but ultimately decided against taking the risk because of the overwhelming burden and uncertainty of our regulatory state?

We have to do better.

Small businesses are fed up with excessive Federal regulation, and they are making sure we know about it. A November 2014 survey conducted by the National Federation of Independent Business asked small business owners across the country to rank the ten most pressing problems they face. Overwhelmingly, the top two answers from small business owners were taxes and complying with government red tape. I am happy to say that this Congress intends to confront these issues head-on.

The Federal Government needs to do everything possible to promote an environment that will allow private sector employers to create jobs. To accomplish that, common sense would tell us that the government needs to remove barriers to job creation rather than put up new ones.

Unfortunately, the Obama administration has proven time and again that

it would rather push forward with its interest-driven regulatory agenda than ease the heavy burden upon our economy and our entrepreneurs.

To make matters worse, this administration is pursuing new regulations through litigation tactics that take an end-run around the laws enacted by Congress to ensure transparency and accountability in the regulatory process. This strategy has come to be known as sue-and-settle, and regulators have been using it to speed up rulemaking and to keep the public, industries, and even the States away from the table when regulatory decisions are negotiated behind closed doors.

Sue-and-settle cases typically follow a similar pattern. First, an interest group files a lawsuit against a Federal agency, claiming that the agency has failed to take a certain regulatory action by a statutory deadline. Through the complaint, the interest group seeks to compel the agency to take action by a new, often-rushed deadline. The plaintiff-interest group frequently will be one that shares a common regulatory and policy agenda with the agency that it sues, such as when an environmental group sues the Environmental Protection Agency, EPA.

Next, the agency and interest group enter into friendly negotiations to produce either a settlement agreement or consent decree behind closed doors that commits the agency to satisfying the interest group's demands. The agreement is then entered by a court, binding executive discretion to undertake a regulatory action. And noticeably absent from these negotiations are the very parties who will likely be most impacted by the new regulation.

Sue-and-settle tactics by advocacy groups and complicit government agencies have severe consequences on transparency, public accountability, and ultimately on the quality of the resulting public policy.

Such tactics undermine congressional intent by shutting out affected parties, such as industries and even the States that are charged with implementing new regulations.

The Administrative Procedure Act, APA, which has been characterized as the citizens' “regulatory bill of rights,” was enacted to ensure transparency and public accountability in our Federal rulemaking process. A central aspect of the APA is the notice-and-comment process, which requires agencies to notify the public of proposed regulations and to respond to comments submitted by interested parties.

Rulemaking driven by sue-and-settle tactics, however, frequently results in reprioritized agency agendas and truncated deadlines for regulatory action. This renders the notice-and-comment requirements of the APA a mere formality, depriving regulated entities, the States and the public of sufficient time to have any meaningful input on the final rules. The resulting regu-

latory action is driven not by the public interest, but by special interest priorities, and often comes as a complete surprise to those most affected by it.

Sue-and-settle litigation also helps agencies avoid accountability. Instead of having to answer to the public for controversial regulations and policy decisions, agency officials are able to simply point to a court order entering the agreement and maintain that they were required to take action under its terms.

Further, the abuse of consent decrees as a method for taking regulatory action can have lasting negative impact on the ability of future administrations to adapt the Federal regulatory scheme to changing circumstances. Not only does this raise serious concerns about bad public policy; it also puts into question the constitutional impact of one administration's actions binding the hands of its successors.

Sue-and-settle, and the consequences that come with such tactics, is not a new phenomenon. Evidence of sue-and-settle tactics and closed-door rulemaking can be found in nearly every administration over the previous few decades.

But there has been an alarming increase in sue-and-settle tactics under the Obama administration. A study by the U.S. Chamber of Commerce shows that just during President Obama's first term, 60 Clean Air Act lawsuits against the EPA were resolved through consent decrees or settlement agreements, an increase from 28 during President George W. Bush's second term.

Since 2009, sue-and-settle cases against the EPA have imposed at least \$13 billion in annual regulatory costs.

In November 2010, environmental advocacy groups filed a complaint against the EPA under the Clean Water Act to compel the agency to revise wastewater regulations. Interestingly, the same day that the complaint was filed, the plaintiff-advocacy groups filed a proposed consent decree already signed by the EPA and requiring prompt regulatory action. As is characteristic of sue-and-settle cases, potentially affected parties were kept out of the lawsuit and negotiations. Such a scenario should raise serious concerns over how truly adversarial these lawsuits really are.

In another case, environmental advocacy groups filed suit against the EPA to compel the agency to issue new air quality standards for pollutants from coal and oil-fired power plants. The plaintiff-advocacy groups alleged that the EPA had violated its statutory duty to issue new standards.

An industry group intervened in the case to represent utility companies but was ultimately left out of subsequent negotiations between the plaintiffs and the EPA, which resulted in a consent decree. The industry group challenged the consent decree on numerous grounds, including the rulemaking timeframe established under the decree

which was arguably too short to allow the public to participate fully in the rulemaking process.

Nevertheless, the court approved and entered the consent decree, with the judge concluding that “[s]hould haste make waste, the resulting regulations will be subject to successful challenge. . . . If EPA needs more time to get it right, it can seek more time.”

The resulting rule, despite its opaque promulgation, was estimated by the EPA to cost \$9.6 billion annually by 2015. And according to estimates by the American Coalition for Clean Coal Electricity, the rule promulgated under the consent decree would contribute to a loss of 1.44 million jobs in the U.S. between 2013 and 2020.

The EPA could have done things right the first time by crafting a sensible, workable rule that protects the environment without causing unnecessary job losses or higher electricity prices for hard-working American families. But as a result of backroom, sue-and-settle tactics, we were left with a controversial regulation that fails to properly take into account the impact on affected parties and that remains the subject of litigation to this day.

The EPA, it seems, has turned a blind eye to the calls for more transparency and public accountability in our Federal rulemaking process. In February 2014, EPA's General Counsel issued a statement declaring:

The sue and settle rhetoric, strategically mislabeled by its proponents, is an often-repeated but a wholly invented accusation that gets no more true with frequent retelling.

I think many would take issue with that assessment. In fact, the Environmental Council of the States, or ECOS—a national non-profit, non-partisan association made up of State and territorial environmental agency leaders—adopted a resolution entitled “The Need for Reform and State Participation in EPA's Consent Decrees which Settle Citizen Suits,” stating, among other things:

[S]tate environmental agencies are not always notified of citizen suits that allege U.S. EPA's failure to perform its nondiscretionary duties, are often not parties to these citizen suits, and are usually not provided with an opportunity to participate in the negotiation of agreements to settle citizen suits[.]

ECOS further resolved that:

[G]reater transparency of citizen suit settlement agreements is needed for the public to understand the impact of these agreements on the administration of environmental programs[.]

I agree.

Clearly, the EPA has no intention of acknowledging the use or consequences of sue-and-settle tactics. And unfortunately, I think this sentiment is shared by other executive branch agencies today.

That is why today I am introducing the Sunshine for Regulatory Decrees and Settlements Act of 2015. Senators BLUNT, HATCH, CRUZ, PAUL, CORNYN, RUBIO, INHOFE, FISCHER, FLAKE, LEE, CAPITO and GARDNER are cosponsors of

this important bill, and I thank them for their support.

In the House, Representative DOUG COLLINS of Georgia is introducing a companion bill.

By enacting reasonable, pro-accountability measures, the Sunshine bill aims to address many of the problems I have outlined so far.

This bill provides for greater transparency by shedding light on sue-and-settle tactics. It requires agencies to publish sue-and-settle complaints and notices of intent-to-sue in a readily accessible manner.

The bill requires agencies to publish proposed consent decrees and settlement agreements at least 60 days before they can be filed with a court. This provides a valuable opportunity for affected parties to weigh-in, which will increase public accountability in the rulemaking process. It will also prevent those scenarios where lawsuits are filed on the same day as previously negotiated agreements, a practice that effectively blocks any meaningful participation by affected parties.

The bill also makes it easier for affected parties such as States and business owners to take part in both the lawsuit and settlement negotiations to ensure that their interests are properly represented. It requires the Attorney General or, if appropriate, the head of the defendant-agency, to certify to the court that he or she has personally approved certain proposed consent decrees or settlement agreements that, for example, convert a discretionary authority of an agency into a non-discretionary duty to act. It requires that courts consider whether the terms of a proposed agreement are contrary to the public interest.

The bill promotes greater transparency by requiring agencies to publicly post and report to Congress information on sue-and-settle complaints, consent decrees and settlement agreements.

Finally, the bill resolves key constitutional concerns by making it easier for succeeding administrations to modify the effect of a prior administration's consent decrees. It does so by providing for de novo review of motions to modify existing consent decrees due to changed circumstances.

The Sunshine for Regulatory Decrees and Settlements Act will shed light on the problem. It will help rein in backroom rulemaking, encourage the appropriate use of consent decrees and settlements, and reinforce the procedures laid out decades ago to ensure a transparent and accountable regulatory process.

I urge my colleagues to work with me and support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 378

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Sunshine for Regulatory Decrees and Settlements Act of 2015”.

#### SEC. 2. DEFINITIONS.

In this Act—

(1) the terms “agency” and “agency action” have the meanings given those terms under section 551 of title 5, United States Code;

(2) the term “covered civil action” means a civil action—

(A) seeking to compel agency action;

(B) alleging that the agency is unlawfully withholding or unreasonably delaying an agency action relating to a regulatory action that would affect the rights of—

(i) private persons other than the person bringing the action; or

(ii) a State, local, or tribal government; and

(C) brought under—

(i) chapter 7 of title 5, United States Code; or

(ii) any other statute authorizing such an action;

(3) the term “covered consent decree” means—

(A) a consent decree entered into in a covered civil action; and

(B) any other consent decree that requires agency action relating to a regulatory action that affects the rights of—

(i) private persons other than the person bringing the action; or

(ii) a State, local, or tribal government;

(4) the term “covered consent decree or settlement agreement” means a covered consent decree and a covered settlement agreement; and

(5) the term “covered settlement agreement” means—

(A) a settlement agreement entered into in a covered civil action; and

(B) any other settlement agreement that requires agency action relating to a regulatory action that affects the rights of—

(i) private persons other than the person bringing the action; or

(ii) a State, local, or tribal government.

#### SEC. 3. CONSENT DECREE AND SETTLEMENT REFORM.

(a) PLEADINGS AND PRELIMINARY MATTERS.—

(1) IN GENERAL.—In any covered civil action, the agency against which the covered civil action is brought shall publish the notice of intent to sue and the complaint in a readily accessible manner, including by making the notice of intent to sue and the complaint available online not later than 15 days after receiving service of the notice of intent to sue or complaint, respectively.

(2) ENTRY OF A COVERED CONSENT DECREE OR SETTLEMENT AGREEMENT.—A party may not make a motion for entry of a covered consent decree or to dismiss a civil action pursuant to a covered settlement agreement until after the end of proceedings in accordance with paragraph (1) and subparagraphs (A) and (B) of paragraph (2) of subsection (d) or subsection (d)(3)(A), whichever is later.

(b) INTERVENTION.—

(1) REBUTTABLE PRESUMPTION.—In considering a motion to intervene in a covered civil action or a civil action in which a covered consent decree or settlement agreement has been proposed that is filed by a person who alleges that the agency action in dispute would affect the person, the court shall presume, subject to rebuttal, that the interests of the person would not be represented adequately by the existing parties to the action.



(2) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—In considering a motion to intervene in a covered civil action or a civil action in which a covered consent decree or settlement agreement has been proposed that is filed by a State, local, or tribal government, the court shall take due account of whether the movant—

(A) administers jointly with an agency that is a defendant in the action the statutory provisions that give rise to the regulatory action to which the action relates; or

(B) administers an authority under State, local, or tribal law that would be preempted by the regulatory action to which the action relates.

(C) SETTLEMENT NEGOTIATIONS.—Efforts to settle a covered civil action or otherwise reach an agreement on a covered consent decree or settlement agreement shall—

(1) be conducted pursuant to the mediation or alternative dispute resolution program of the court or by a district judge other than the presiding judge, magistrate judge, or special master, as determined appropriate by the presiding judge; and

(2) include any party that intervenes in the action.

(D) PUBLICATION OF AND COMMENT ON COVERED CONSENT DECREES OR SETTLEMENT AGREEMENTS.—

(1) IN GENERAL.—Not later than 60 days before the date on which a covered consent decree or settlement agreement is filed with a court, the agency seeking to enter the covered consent decree or settlement agreement shall publish in the Federal Register and online—

(A) the proposed covered consent decree or settlement agreement; and

(B) a statement providing—

(i) the statutory basis for the covered consent decree or settlement agreement; and

(ii) a description of the terms of the covered consent decree or settlement agreement, including whether it provides for the award of attorneys' fees or costs and, if so, the basis for including the award.

(2) PUBLIC COMMENT.—

(A) IN GENERAL.—An agency seeking to enter a covered consent decree or settlement agreement shall accept public comment during the period described in paragraph (1) on any issue relating to the matters alleged in the complaint in the applicable civil action or addressed or affected by the proposed covered consent decree or settlement agreement.

(B) RESPONSE TO COMMENTS.—An agency shall respond to any comment received under subparagraph (A).

(C) SUBMISSIONS TO COURT.—When moving that the court enter a proposed covered consent decree or settlement agreement or for dismissal pursuant to a proposed covered consent decree or settlement agreement, an agency shall—

(i) inform the court of the statutory basis for the proposed covered consent decree or settlement agreement and its terms;

(ii) submit to the court a summary of the comments received under subparagraph (A) and the response of the agency to the comments;

(iii) submit to the court a certified index of the administrative record of the notice and comment proceeding; and

(iv) make the administrative record described in clause (iii) fully accessible to the court.

(D) INCLUSION IN RECORD.—The court shall include in the court record for a civil action the certified index of the administrative record submitted by an agency under subparagraph (C)(iii) and any documents listed in the index which any party or amicus curiae appearing before the court in the action submits to the court.

(3) PUBLIC HEARINGS PERMITTED.—

(A) IN GENERAL.—After providing notice in the Federal Register and online, an agency may hold a public hearing regarding whether to enter into a proposed covered consent decree or settlement agreement.

(B) RECORD.—If an agency holds a public hearing under subparagraph (A)—

(i) the agency shall—

(I) submit to the court a summary of the proceedings;

(II) submit to the court a certified index of the hearing record; and

(III) provide access to the hearing record to the court; and

(ii) the full hearing record shall be included in the court record.

(4) MANDATORY DEADLINES.—If a proposed covered consent decree or settlement agreement requires an agency action by a date certain, the agency shall, when moving for entry of the covered consent decree or settlement agreement or dismissal based on the covered consent decree or settlement agreement, inform the court of—

(A) any required regulatory action the agency has not taken that the covered consent decree or settlement agreement does not address;

(B) how the covered consent decree or settlement agreement, if approved, would affect the discharge of the duties described in subparagraph (A); and

(C) why the effects of the covered consent decree or settlement agreement on the manner in which the agency discharges its duties is in the public interest.

(E) SUBMISSION BY THE GOVERNMENT.—

(1) IN GENERAL.—For any proposed covered consent decree or settlement agreement that contains a term described in paragraph (2), the Attorney General or, if the matter is being litigated independently by an agency, the head of the agency shall submit to the court a certification that the Attorney General or head of the agency approves the proposed covered consent decree or settlement agreement. The Attorney General or head of the agency shall personally sign any certification submitted under this paragraph.

(2) TERMS.—A term described in this paragraph is—

(A) in the case of a covered consent decree, a term that—

(i) converts into a nondiscretionary duty a discretionary authority of an agency to propose, promulgate, revise, or amend regulations;

(ii) commits an agency to expend funds that have not been appropriated and that have not been budgeted for the regulatory action in question;

(iii) commits an agency to seek a particular appropriation or budget authorization;

(iv) divests an agency of discretion committed to the agency by statute or the Constitution of the United States, without regard to whether the discretion was granted to respond to changing circumstances, to make policy or managerial choices, or to protect the rights of third parties; or

(v) otherwise affords relief that the court could not enter under its own authority upon a final judgment in the civil action; or

(B) in the case of a covered settlement agreement, a term—

(i) that provides a remedy for a failure by the agency to comply with the terms of the covered settlement agreement other than the revival of the civil action resolved by the covered settlement agreement; and

(ii) that—

(I) interferes with the authority of an agency to revise, amend, or issue rules under the procedures set forth in chapter 5 of title 5, United States Code, or any other statute or Executive order prescribing rulemaking

procedures for a rulemaking that is the subject of the covered settlement agreement;

(II) commits the agency to expend funds that have not been appropriated and that have not been budgeted for the regulatory action in question; or

(III) for such a covered settlement agreement that commits the agency to exercise in a particular way discretion which was committed to the agency by statute or the Constitution of the United States to respond to changing circumstances, to make policy or managerial choices, or to protect the rights of third parties.

(F) REVIEW BY COURT.—

(1) AMICUS.—A court considering a proposed covered consent decree or settlement agreement shall presume, subject to rebuttal, that it is proper to allow amicus participation relating to the covered consent decree or settlement agreement by any person who filed public comments or participated in a public hearing on the covered consent decree or settlement agreement under paragraph (2) or (3) of subsection (d).

(2) REVIEW OF DEADLINES.—

(A) PROPOSED COVERED CONSENT DECREES.—For a proposed covered consent decree, a court shall not approve the covered consent decree unless the proposed covered consent decree allows sufficient time and incorporates adequate procedures for the agency to comply with chapter 5 of title 5, United States Code, and other applicable statutes that govern rulemaking and, unless contrary to the public interest, the provisions of any Executive order that governs rulemaking.

(B) PROPOSED COVERED SETTLEMENT AGREEMENTS.—For a proposed covered settlement agreement, a court shall ensure that the covered settlement agreement allows sufficient time and incorporates adequate procedures for the agency to comply with chapter 5 of title 5, United States Code, and other applicable statutes that govern rulemaking and, unless contrary to the public interest, the provisions of any Executive order that governs rulemaking.

(G) ANNUAL REPORTS.—Each agency shall submit to Congress an annual report that, for the year covered by the report, includes—

(1) the number, identity, and content of covered civil actions brought against and covered consent decree or settlement agreements entered against or into by the agency; and

(2) a description of the statutory basis for—

(A) each covered consent decree or settlement agreement entered against or into by the agency; and

(B) any award of attorneys fees or costs in a civil action resolved by a covered consent decree or settlement agreement entered against or into by the agency.

#### SEC. 4. MOTIONS TO MODIFY CONSENT DECREES.

If an agency moves a court to modify a covered consent decree or settlement agreement and the basis of the motion is that the terms of the covered consent decree or settlement agreement are no longer fully in the public interest due to the obligations of the agency to fulfill other duties or due to changed facts and circumstances, the court shall review the motion and the covered consent decree or settlement agreement *de novo*.

#### SEC. 5. EFFECTIVE DATE.

This Act shall apply to—

(1) any covered civil action filed on or after the date of enactment of this Act; and

(2) any covered consent decree or settlement agreement proposed to a court on or after the date of enactment of this Act.

By Mr. HATCH (for himself, Mr. CORNYN, Mr. LEE, Mr. MCCAIN,

Mr. ENZI, Mr. SCOTT, Mr. JOHN-SON, Mr. INHOFE, Mr. BLUNT, Mr. MORAN, Mr. ISAKSON, Mr. GARDNER, Mr. HOEVEN, Mr. BARRASSO, Mr. CRAPO, Mr. WICKER, Mr. VITTER, Mr. HELLER, Mr. ALEXANDER, Mr. TOOMEY, Mr. BOOZMAN, Ms. AYOTTE, Mr. THUNE, Mr. KIRK, Mr. ROBERTS, Mr. PORTMAN, Mr. CRUZ, Mr. GRAHAM, Mr. CASIDY, Mr. RUBIO, Ms. MURKOWSKI, Mrs. FISCHER, Mr. FLAKE, Mr. RISCH, Mr. PERDUE, Mr. COCHRAN, Mr. LANKFORD, Mr. BURR, Mrs. CAPITO, Mr. SULLIVAN, Mr. DAINES, Mr. ROUNDS, Mr. MCCONNELL, Mr. GRASSLEY, Mr. COATS, Mrs. ERNST, Mr. TILLIS, Mr. COTTON, Ms. COLLINS, Mr. SHELBY, Mr. CORKER, Mr. PAUL, Mr. SESSIONS, and Mr. SASSE):

S.J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, today I am introducing a resolution proposing a constitutional amendment to require that Congress and the President handle the American people's money more responsibly and balance the Nation's debt and budget. Like the last two Congresses, the entire Republican Conference has cosponsored this proposal.

I know the Constitution sets a high threshold for Congress to propose an amendment, but it is critical we do so for three reasons:

First, piling up more debt year after year is imposing greater and greater harm to our economy and to our society. Last week, Congressional Budget Office Director Douglas Elmendorf testified before the House Budget Committee, noting that the national debt is expected to swell by another \$7.6 trillion—trillion with a T—over the next 10 years. He said:

Such large and growing national debt would have serious negative consequences, including increasing Federal spending for interest payments; restraining economic growth in the long term; giving policymakers less flexibility to respond to unexpected challenges; and eventually heightening the risk of a fiscal crisis.

He is the Director of the Federal budget office and he said that on January 21, 2015. Just think about that. And he is a Democrat. He has been a very good budget director, as far as I am concerned, and I have enjoyed looking at his analyses over the years.

Our Nation is on an unsustainable path and we simply cannot wait any longer to make responsible decisions for our future.

Second, Washington will not keep our fiscal house in order unless required to do so by the Constitution. Congress has pretended that good intentions alone would keep our checkbook balanced. Congress has tried putting limits in place by legislation or other rules. Congress has stuck its

head in the sand or at other times cried that the sky would fall if we really did get our fiscal act together. Over many decades we have demonstrated that nothing short of a constitutional requirement will work.

Third, the American people have the right to set rules for how Washington handles their money. The Constitution is a rulebook for government and it belongs to the American people. Proposing an amendment does not add it to the Constitution but only sends it to the States for debate and consideration. And while it takes two-thirds of Congress to propose an amendment to the Constitution, it takes three-fourths of the States to ratify it. That high level of national consensus may or may not exist, but the American people deserve the opportunity to find out.

On June 7, 1979, nearly 36 years ago, I stood on this floor when I introduced Senate Joint Resolution 86, my first balanced budget amendment. In today's dollars the budget deficit that year was \$95 billion and the national debt was \$2.6 trillion, which was about 30 percent of our gross domestic product. I said then that only in Washington could this situation be described as anything less than obscene.

The more things change, the more they stay the same. I concede a few things have changed since 1979. For example, the deficit for the current fiscal year is six times higher than it was in 1979, and the national debt is seven times as large. To put that number in perspective, the national debt is now larger than our entire economy.

The situation is not only getting worse, it is getting worse faster than ever. More than 40 percent of the national debt accumulated since our founding has piled up under President Obama, and he has 2 more years in office. While those things have changed, and changed for the worse, the choice before us remains the same.

Some of my colleagues might disagree with the CBO Director and think that piling up trillions and trillions of dollars in debt is no big deal; that these are just numbers in the air with no impact on the real world. Perhaps they think our large and growing national debt won't have any negative consequences, won't impede economic growth, won't restrain policymakers' flexibility to respond to challenges, and won't heighten the risk of the fiscal crisis. Some of my colleagues might believe we have no obligation to handle the American people's money responsibly or perhaps they believe this money belongs to government and not the American people at all.

Some of my colleagues might insist, despite decades of demonstrated failure, that Congress can somehow get its fiscal act together on its own. One definition of insanity is doing the same thing over and over and expecting different results.

Some of my colleagues might say the American people should not be able to set fiscal rules for the government they

elect. Perhaps they think the Federal Government should control the Constitution, not the other way around.

I say to my colleagues who think those things: I can understand why you would oppose sending this balanced budget amendment to the States for consideration.

But now a word to my other colleagues: If you think this growing mountain of debt is dangerous and must be stopped, if you believe we have exhausted every other means of stopping it, and if you say the American people have the right to decide how their government should operate, then I invite you to support this joint resolution, S.J. Res. 6.

The Senate has on four separate occasions voted on a balanced budget amendment since I introduced that proposal in 1979. You can see it on this chart. We actually passed one in 1982 when the national debt was \$2.5 trillion. But the House, controlled by Democrats at the time, did not take it up.

The Senate voted on another balanced budget amendment in 1994 when the national debt was \$6.9 trillion. It fell a few votes short.

Three years later, when the national debt was \$7.9 trillion, we came within a single vote of passage in 1997.

And in 2011, the fourth from the left there on the chart, we voted on the last balanced budget amendment I introduced. At that time, the national debt had grown to \$15.1 trillion, and it is almost \$3 trillion higher today.

CBO tells us not only that the national debt will swell by an additional \$7.6 trillion in the next 10 years, but that interest on that debt will be a larger and larger portion of the budget. The low interest rates we see today, after all, will not last forever.

CBO warns that, on our current path, interest costs alone will quadruple from \$200 billion today to nearly \$800 billion in 10 years. In only 6 years, if we do not change course, spending on interest will surpass either defense or nondefense spending. Every dollar spent to service debt cannot be spent protecting our country or helping our citizens. This is the fiscal equivalent of fiddling while Rome burns. The debt keeps growing, the danger keeps building, while Congress keeps pretending and stalling.

What if we had sent a balanced budget amendment to the States in the 1970s, 1980s, or even 1990s? How different would the budget process be today?

When I spoke here in June 1979, I offered two additional reasons for adopting a balanced budget amendment.

First, I said a fixed spending ceiling "requires that Congress think in order of budget priorities."

Second, I said:

In my mind, a balanced budget or spending limitation amendment offers the potential to impose new limits upon the National Government, replacing those that have largely been eroded over the years.

That is why the American people have never been able to use their Constitution to set fiscal rules for Washington—because doing so would set limits the national government does not want. But our liberty depends on setting and enforcing such limits.

I will repeat what I said here in 1979:

This is certainly not a trivial objective. Rather, it goes to the heart of what our system of government is going to be in the future.

That is the choice before us, and before the American people.

I have to say that if we look at the current budget, it is a fraud the President has submitted. It is pathetic. And even with that current budget, saying they are going to save us money, we are about a half trillion dollars in debt—in further debt, I might add. It is piling up in irreducible ways. It is something we have to do something about. We can no longer sit around and pretend that, somehow, Congress is going to take care of it, when Congress doesn't have the will to take care of it. A balanced budget amendment is an important part of changing that.

I will speak later on the actual amendment and what it says and what it means and how it will work. I believe it is an appropriate way of bringing this country under control and getting us to live within our means. It will take time even if we start today. But we are not starting today.

This administration cannot get anywhere near what it wants in this budget without a huge tax increase. We have had tax increase after tax increase after tax increase, and it never makes a dip in the Federal debt. We have to wake up around here and start doing some things right, or this country—the greatest country in the world—will not be able to remain so. But it has to.

If we look at the rest of the world—we are in terrible shape throughout the rest of the world. There is no other country in this world that can lead like ours can—except for evil. There are countries that can really lead, but they would lead for evil. We have got to stop that. And the only way we can is to have a nation that lives within its means, does what is right, and balances its budget. It is going to take years, if we pass this amendment, to balance the budget. If the amendment gets passed and then is supported by three-quarters of the States—38 States—this amendment will do the job.

Whatever we do, it is going to be tough. But that is better than a profligacy that is continuing to go along under all kinds of phony arguments that, when we look back on them, are really phony. They act as though they are really trying to do something about this, while spending us into bankruptcy, and more and more causing us to not be able to live within our means.

We have got to change this, and I am convinced the only way we will is with a balanced budget amendment to the

Constitution. It is the only way we can find enough people in this country who respect the Constitution to cause the result that we live—or at least start living—within our means.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 65—SUPPORTING EFFORTS TO BRING AN END TO VIOLENCE PERPETRATED BY BOKO HARAM, AND URGING THE GOVERNMENT OF NIGERIA TO CONDUCT TRANSPARENT, PEACEFUL, AND CREDIBLE ELECTIONS

Mr. MENENDEZ (for himself, Mrs. SHAHEEN, Mr. COONS, Mr. ISAKSON, Mr. BOOZMAN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

##### S. RES. 65

Whereas Nigeria is the most populous nation in Africa, with the largest economy;

Whereas the Governments of the United States and Nigeria have had a strong bilateral relationship, and Nigeria has been a valued partner of the United States since its transition to civilian rule;

Whereas the Government of Nigeria is currently confronted with threats to internal security by terrorists, insurgents, and communal violence that have caused considerable population displacement, and at the same time must administer transparent and peaceful elections with a credible outcome;

Whereas the government and those who aspire to hold office in Nigeria must demonstrate the political will to address both of these challenges in a responsible way, including by ensuring full enfranchisement, with particular emphasis on developing a means for enfranchisement for the hundreds of thousands displaced by violence;

Whereas the members of Jama'atu Ahlis Sunna Lidda'awati wal-Jihad, commonly known as Boko Haram, have terrorized the people of Nigeria with increasing violence since 2009, targeting military, government, and civilian sites in Nigeria, including schools, mosques, churches, markets, villages, and agricultural centers, and killing thousands and abducting hundreds of civilians in Nigeria and the surrounding countries;

Whereas the Department of State named several individuals linked to Boko Haram, including its leader, Abubakar Shekau, as Specially Designated Global Terrorists in 2012, and designated Boko Haram as a Foreign Terrorist Organization (FTO) in November 2013;

Whereas, in May 2014, the United Nations Security Council added Boko Haram to its al Qaeda sanctions list, and on January 19, 2015, the United Nations Security Council issued a presidential statement condemning the recent escalation of attacks in northeastern Nigeria and surrounding countries and expressing concern that the situation was undermining peace and security in West and Central Africa;

Whereas the over 200 school girls abducted by Boko Haram on April 14, 2014, from the Government Girls Secondary School in the northeastern state of Borno, whose kidnapping sparked domestic and international outrage spawning the Twitter campaign #BringBackOurGirls, are still missing;

Whereas the militant group is an increasing menace to the countries along Nigeria's

northeastern border, prompting the African Union, the Lake Chad Basin Commission, the European Union, and the United Nations Security Council to recognize that there must be a regional response;

Whereas the United States Government has stepped forward to offer assistance through intelligence sharing, bilateral and international sanctioning of Boko Haram leaders, counterterrorism assistance through the Global Security Contingency Fund program for countries in the region to counter the militant group, and humanitarian services to populations affected by and vulnerable to Boko Haram violence;

Whereas Boko Haram emerged partially as a response to underdevelopment in northeastern Nigeria, and inequality, elite impunity, and alleged human rights abuses by security forces may be fueling anti-government sentiment;

Whereas it is clear that a military approach alone will not eliminate the threat of Boko Haram, and gross human rights abuses and atrocities by security forces causes insecurity and mistrust among the civilian population;

Whereas it is imperative that the Government of Nigeria implement a comprehensive, civilian security focused plan that prioritizes protecting civilians and also addresses legitimate political and economic grievances of citizens in northern Nigeria;

Whereas Nigeria is scheduled to hold national elections in February 2015, and the elections appear to be the most closely contested in Nigeria since the return to civilian rule;

Whereas election-related violence has occurred in Nigeria in successive elections, including in 2011, when nearly 800 people died in clashes following the presidential election;

Whereas President Goodluck Ebele Azikiwe Jonathan, General Muhammadu Buhari, and other presidential candidates pledged to reverse this trend by signing the "Abuja Accord" on January 14, 2015, in which they committed themselves and their campaigns to refraining from public statements that incite violence, to running issue-based campaigns that do not seek to divide citizens along religious or ethnic lines, and to supporting the impartial conduct of the electoral commission and the security services;

Whereas Secretary of State John Kerry visited Nigeria on January 25, 2015, to emphasize the importance of ensuring the upcoming elections are peaceful, nonviolent, and credible;

Whereas tensions in the country remain high, and either electoral fraud or violence could undermine the credibility of the upcoming election;

Whereas the people of Nigeria aspire for a fair, competently executed, and secure electoral process, as well as an outcome that can be accepted peacefully by all citizens; and

Whereas it is in the best interest of the United States to maintain close ties with a politically stable, democratic and economically sound Nigeria; Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns Boko Haram for its violent attacks, particularly the indiscriminate targeting of civilians, especially women and girls, and the use of children as fighters and suicide bombers;

(2) stands with—

(A) the people of Nigeria in their right to live free from fear or intimidation by state or nonstate actors, regardless of their ethnic, religious, or regional affiliation;

(B) the people of Cameroon, Chad, and Niger who are increasingly at risk of becoming victims of Boko Haram's violence; and

(C) the international community in its efforts to defeat Boko Haram;

(3) supports the Abuja Accord, and calls on candidates, party officials, and adherents of all political movements to comply with the code of conduct spelled out therein, by refraining from any rhetoric or action that seeks to demonize or delegitimize opponents, sow division among Nigerians, or otherwise inflame tensions;

(4) condemns any and all abuses of civilians by security forces of the Government of Nigeria;

(5) urges the Government of Nigeria—

(A) to conduct timely, credible, transparent, and peaceful elections;

(B) to refrain from using security services for political purposes in connection with the elections;

(C) to prioritize the safety and security of Nigerians vulnerable to Boko Haram attacks;

(D) to implement a comprehensive, civilian security focused response to defeat Boko Haram that addresses political and economic grievances of citizens in the north;

(E) to improve the capacity and conduct of Nigeria's security forces, including respect for human rights, and take steps to hold accountable through a transparent process those members of the security forces responsible for abuses;

(F) to recognize that security forces are intended to protect the safety and security of all citizens equally; and

(G) to cooperate with regional and international partners to defeat Boko Haram;

(6) urges all Nigerians to engage in the electoral process, to insist on full enfranchisement, and to reject inflammatory or divisive rhetoric or actions; and

(7) reaffirms that the people of the United States will continue to stand with the people of Nigeria in support of peace and democracy.

Mr. MENENDEZ. Mr. President, I am here today to speak to the troubling situation in Nigeria, one of our strongest allies in Africa since its transition from military dictatorship to civilian rule over a decade ago.

Nigeria is currently facing two grave threats to its stability. First, the country is preparing to vote next month in the most closely contested presidential election in recent history, but there is a very real danger of prolonged violence across Nigeria and mass casualties if the election results are not deemed credible.

Second, in the last 2 months, Boko Haram, infamous for kidnapping over 200 schoolgirls in Chibok in 2014, has stepped up its murderous scorched-earth campaign, killing thousands of innocent civilians, gaining control over an increasing amount of territory in the northeastern portion of the country, and threatening to disrupt elections.

It is in the face of these dual challenges, that I, along with Senators ISAKSON, SHAHEEN, BOOZMAN and COONS, have submitted a resolution which calls on Nigerian leaders to step up to the plate and show real leadership in prioritizing the safety and security of Nigerians in the elections and doing everything possible to combat Boko Haram.

For over 5 years, Boko Haram has shocked the conscience of the world and terrorized Nigerian citizens of all

religions and ethnic groups. It has targeted schools, mosques, churches, markets, villages and agricultural centers with a wave of kidnappings, killings and suicide bombs. Boko Haram terrorists have abducted hundreds, including the Chibok girls, who to this day remain missing; and has killed thousands—by some accounts over 6,000 last year alone and, since 2009, more than a million have been displaced.

In January, Boko Haram staged a 4 day assault on the northeastern town of Baga, abducting civilians, and forcing thousands to flee. Eyewitnesses claim as many as 2000 dead, though the government disputes this number. Satellite photographs show disturbing images of towns burned and razed. What began as a localized insurgency that targeted the military and government has grown into a sub-regional menace. Boko Haram has metastasized, effectively denying the government control over a significant swathe of territory in the three most affected states of northeast Nigeria, and undertaking bold incursions into neighboring countries. The Nigerian government's response has been ineffective at best. At worst, the actions of the security forces, who have been accused of alarming excesses, may have exacerbated the problem. These are things the Nigerian government must acknowledge and address if they want to end the reign of Boko Haram in communities most affected by the terrorist group.

The international community, the African Union, European Union, the Lake Chad Basin Commission, and United Nations Security Council—have all recognized that there must be a regional response to Boko Haram. On January 26, AU Commission Chairwoman Dlamini Zuma said that Boko Haram is a threat to the whole continent. Just days ago, the AU Peace and Security Council approved a 7500 strong regional force to combat the group. Recent U.S. efforts to provide assistance have been unilaterally rebuffed. Clearly, the international community is concerned and engaged. What is not so clear is the commitment of the Nigerian government to a thoughtful strategy of engagement.

During my meeting with President Jonathan at last year's African Leaders' Summit, I urged him to implement a comprehensive approach to address the Boko Haram insurgency—one that addresses both the security threat as well as the legitimate grievances of local communities. At the end of the day, Nigerian officials must come to terms with the fact that a military solution alone will not solve the problem. To date, the government does not appear to have formulated a comprehensive strategy, and as a result, the insurgency continues to gain momentum.

Against this backdrop of government inaction and Boko Haram's unspeakable terrorism raging in the north,

presidential elections are scheduled for February 14. For the first time since Nigeria transitioned from military rule to democracy in 1999, a unified opposition party will challenge the ruling People's Democratic Party, PDP. This election will test the strength of an electoral process that has been marred by violence. In 2011, more than 800 people were killed in clashes that followed what international observers deemed to be the most free, fair, and best-administered elections to date.

Despite the history of electoral violence, the Nigerian Government has yet to implement reforms recommended by the Independent National Electoral Commission, INEC. INEC itself has taken a number of steps to improve the legitimacy of the voting process, including conducting widespread voter registration programs and introducing biometric voter identification cards. INEC is engaged in a valiant effort to distribute permanent voter cards in time for next month's elections, and we should continue to support such efforts until the job is done to protect the legitimacy and integrity of the elections.

National Security Advisor Sambo Dasuki has said the voter card distribution is too slow, and recently suggested that the elections be postponed. I think this suggestion has understandably raised suspicion and skepticism as to his motives and those of the PDP given that the race between President Jonathan and his challenger, Muhammadu Buhari, is by all accounts close to a dead heat. It is true, however, that increasing violence in three northern states threatens to disenfranchise a significant number of voters. And it is unclear how those who have been internally displaced will be given the opportunity to vote. In my view, there must be an effort to develop a consensus about how these twin challenges should be addressed or Nigerians may well dispute the results.

The two leading presidential candidates have made a public commitment to non-violence during the elections. They should be commended for their verbal assurances, and they should be held responsible if they renege. As Secretary Kerry said in Lagos at the end of last month, "the international community is paying very close attention to this election."

Nigeria has the largest economy and is the most populous country in Africa. So goes Nigeria, so goes West Africa. We cannot, from a strategic standpoint, afford for it to fail. That is why the international community must continue to urge Nigerian political leaders to listen to all voices, regardless of ethnic, religious, or regional affiliation, and to safeguard the right of the Nigerian people to shape their own destiny.

**SENATE RESOLUTION 66—EXPRESSING SUPPORT FOR THE DESIGNATION OF FEBRUARY 12, 2015, AS “DARWIN DAY” AND RECOGNIZING THE IMPORTANCE OF SCIENCE IN THE BETTERMENT OF HUMANITY**

Mr. BLUMENTHAL submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 66

Whereas Charles Darwin developed the theory of evolution by the mechanism of natural selection, which, together with the monumental amount of scientific evidence Charles Darwin compiled to support the theory, provides humanity with a logical and intellectually compelling explanation for the diversity of life on Earth;

Whereas the validity of the theory of evolution by natural selection developed by Charles Darwin is further strongly supported by the modern understanding of the science of genetics;

Whereas it has been the human curiosity and ingenuity exemplified by Charles Darwin that has promoted new scientific discoveries that have helped humanity solve many problems and improve living conditions;

Whereas the advancement of science must be protected from those unconcerned with the adverse impacts of global warming and climate change;

Whereas the teaching of creationism in some public schools compromises the scientific and academic integrity of the education systems of the United States;

Whereas Charles Darwin is a worthy symbol of scientific advancement on which to focus and around which to build a global celebration of science and humanity intended to promote a common bond among all the people of the Earth; and

Whereas February 12, 2015, is the anniversary of the birth of Charles Darwin in 1809 and would be an appropriate date to designate as “Darwin Day”: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of “Darwin Day”; and

(2) recognizes Charles Darwin as a worthy symbol on which to celebrate the achievements of reason, science, and the advancement of human knowledge.

**SENATE RESOLUTION 67—AMENDING RULE XXII OF THE STANDING RULES OF THE SENATE TO REVISE THE NUMBER OF AFFIRMATIVE VOTES REQUIRED TO END DEBATE ON NOMINATIONS**

Mr. ALEXANDER (for himself and Mr. LEE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 67

*Resolved*,

**SECTION 1. CLOTURE RULE.**

The second undesignated subparagraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking “And if that question” and all that follows through “disposed of.” and inserting the following: “If the question is decided in the affirmative in the case of a nomination on the Executive Calendar by a majority of the Senators duly chosen and sworn; in the case of a measure or motion to amend the Senate rules by two-thirds of the Senators present and voting; and in the case of any other

measure, motion, or matter, by three-fifths of the Senators duly chosen and sworn, then the foregoing measure, motion or matter pending before the Senate, or the unfinished business, upon which the question was decided in the affirmative shall be the unfinished business to the exclusion of all other business until disposed of.”.

Mr. ALEXANDER. Mr. President, I am especially pleased to see that the Senator from Utah is presiding this afternoon because I come to the floor today to offer a resolution which is his inspiration, really, and on which I am pleased to be working with him.

Simply put, this is a resolution to establish a majority vote on Presidential nominations. This would establish by rule the Senate tradition of approving Presidential nominations by a simple majority vote. The rules change we propose would establish by rule this tradition of approving Presidential nominations of Cabinet Members and judges by a simple majority vote, which existed from the time Thomas Jefferson wrote the rules in 1789 until 2003, when Democrats began filibustering Federal Circuit Court of Appeals nominees.

Most importantly, it would change the rules in the right way, through a two-thirds vote, which is what the existing rules of the Senate provide. Unfortunately, on November 21, 2013, Democrats broke the Senate rules without even attempting to get the 67 votes required to change the rules, which caused former Senator Carl Levin, a Democrat from Michigan, to say at the time, quoting former Senator Arthur Vandenberg of Michigan, that “if a majority of the Senate can change its rules at any time, there are no rules.” We are the Nation’s rule-making body. If we cannot follow our own rules, how can we expect the American people to show respect for and follow the rules we help to create?

The proposal Senator LEE and I have made will be considered by the Senate Committee on Rules and Administration, according to the Senator from Missouri, Senator BLUNT, the chairman of the Rules Committee. It would ultimately require a two-thirds vote of the Senate to change the Senate rules. This all has to do with the so-called nuclear option.

If I might say an additional word about the so-called nuclear option, I came to the Senate in 2003, which was when our Democratic friends decided they would use cloture, which requires 60 votes to cut off debate, as a way of denying a Presidential nomination on a Federal circuit judge. It had never in the history of the Senate been used before in that way. Cloture had been used twice, I believe, based on my research, to deny a sub-Cabinet member a position in the 1990s, but that was the first time it had ever been used on any such position with the exception of Abe Fortas.

It is important, given all the misinformation that has been spread about the nuclear option, to know what the facts are. The tradition has always

been in the Senate that Presidential nominations deserved an up-or-down, 51-majority vote. That has basically been the tradition. Even with the most controversial nominations, such as that of Clarence Thomas, the Supreme Court Justice—I believe the vote was 52 to 48—there never was a suggestion that someone might use cloture to require it to be 60 votes. Cloture didn’t apply to nominations until 1949, so it was never used between the time Jefferson wrote the rules at the beginning of the Senate and 1949.

It was first used in 1968, but not really. President Johnson was trying to save face for Abe Fortas, his friend who was a Supreme Court Justice. He had nominated him for Chief Justice. A problem came out, and President Johnson engineered a 45-to-43 cloture vote, which Fortas “won.”

That is really the only exception in the whole history of the Senate until 2003, when the Senate said it is going to take 60 votes to confirm a Presidential nomination for a judge rather than the traditional 51.

I have talked to several of my colleagues on the other side about this issue. They are fairly straightforward about why they did it. They thought President George W. Bush’s nominees were “too conservative.”

I knew some of those judges—Judge Pickering of Mississippi, for example. He put his children into a public school in Mississippi in the 1960s, and he was being accused of being a segregationist when he was actually leading the charge in his State of Mississippi to desegregate the public schools.

William Pryor of Alabama was a law clerk for Judge John Minor Wisdom. I know the distinguished Senator from Utah, who was a Supreme Court law clerk, knows of Judge Wisdom. He was regarded by everyone as one of the finest Federal circuit judges in the country. He had the greatest respect for William Pryor. He would have been shocked to hear what was said about him at the time.

It was a shocking thing to me to arrive in the Senate in 2003 and find my friends on the other side of the aisle for the first time in Senate history saying it would take 60 votes to confirm President Bush’s judges. I strongly objected to that. I even suggested that if a few Senators on this side and a few Senators on that side would work together, we could break the stalemate. A Gang of 14 was created. It did break the stalemate, but as a result, five judges nominated by George W. Bush were not confirmed because the other side decided they didn’t like their philosophical views. So instead of a 51-vote margin, they required 60, and so they weren’t confirmed.

This is the tally in the history of the Senate. The number of Supreme Court nominees in the history of our country who have ever had their nomination denied by filibuster, by a cloture vote, is zero, with the exception of the Fortas nomination, if you want to

count that. Not a single one. Supreme Court nominations are among the most controversial nominations ever before the Senate.

The number of Cabinet members who have ever had their nominations denied by a filibuster, by requiring 60 votes in the history of the Senate—zero. Not one. Not an Obama nominee. Not a Clinton nominee. Not a Bush nominee. Zero. Not one.

Let's go to district judges. There has been a lot of talk about district judges and how difficult it was for President Obama to have district judges confirmed. There is no truth to that whatsoever. I was in the Senate; I know that. I will give an example. There was an effort to deny a seat to a judge from the State of Rhode Island by 60 votes, a judge whom I didn't support, but I and a group of other Republicans made sure we did not use cloture to deny a seat to a President's district judge nominee for the first time in history, and so we did not.

So the number of Federal district judges in the history of the United States who have ever had their nomination denied by a filibuster, by the 60-vote cloture rule, is zero.

So Supreme Court Justices, except for Fortas, Cabinet members, district judges—zero. Filibusters have not been widely used in the history of this Senate to deny a President his nomination. However, there are other problems that nominations have.

I was nominated once. I came to be nominated to be the Secretary of the Department of Education. A Senator from Ohio, Senator Metzenbaum, put a so-called secret hold on my nomination and held me up for 3 months, but then when I came to the floor, I was confirmed. We have abolished those kinds of secret holds. We have made changes in the rules to make it easier for the President's nominees to be confirmed.

There have been seven sub-Cabinet members, including John Bolton—three Republicans and four Democrats—who have had their nominations rejected because of a cloture vote, all since 1994. So no Cabinet members, no Supreme Court Justices, no district judges, seven sub-Cabinet members.

What is the score on circuit judges? This is what brought up the fuss in 2003 when the Democrats filibustered 10 nominations because they were too conservative. As I mentioned earlier, five were confirmed and five were rejected as part of the compromise. Since that time, Republicans have rejected two Democrats. So the score is the Democrats have rejected five Federal Circuit judges and Republicans rejected two. Republicans actually rejected three others, but that led to the events of November 21, 2013, when the Democrats broke the rules to change the rules.

It would be as if in a Super Bowl or in a playoff game, let's say, Seattle gained 9 yards and they needed 10, so they changed the rules because they were the home team and said that is a

first down. No one would have any respect for the game if they did that, and no one will have any respect for the Senate if we keep doing that, which is the point Senator LEE and I would like to make because the tradition of the Senate has always been to give to a President the prerogative of allowing his nominations to be confirmed by 51 votes or a simple majority of Senators duly chosen and sworn. We propose to change the rule to reflect the tradition of the Senate.

Some say: Well, why don't you do to them what they did to you?

I don't think that is a very good way to live your life. I mean, if the Democrats did the wrong thing, if they brought the Senate to its knees, if they made the Senate into a place that doesn't follow its own rules, then we should do that to them? No. I think what we should do is replace bad behavior with good behavior, and good behavior means we adopt changes to the rules in the way the rules require, which is, in effect, 67 votes or two-thirds of the Senators present and voting.

So we will be offering our resolution, as we do today. We will be offering it in the Senate Rules Committee. We hope the Senate Rules Committee will approve it and report it to the floor. We hope Senator MCCONNELL will find time on the floor to bring it up. We hope that 67 of our colleagues will agree with it. We will show the country that we know how to follow our own rules and that we know how to take the tradition of the Senate, which has been there since Thomas Jefferson wrote the rules, with very few exceptions, to make sure that Presidential nominees are entitled to an up-or-down vote by a majority of the Senate. That has been the rule, that has been the tradition, and that should be the rule, and the rules should be changed in the way that rules are supposed to be changed.

There is one other issue I wish to mention without going into any length about it. What happened in the Senate on November 21, 2013, was the lowest point in the Senate that I have seen. The majority decided that because it didn't have the votes to put three judges—liberal judges—on the DC Court of Appeals, it would break the rules to change the rules, and it just put them there anyway. It pretended that the reason it did that was because President Obama couldn't get his nominees confirmed.

Well, on every Senator's desk is an Executive Calendar. Everyone who can be confirmed has been reported by a committee to the floor and is listed on the Executive Calendar. There is only one way to get on this calendar—there was only one way on November 21, 2013, and that was for a Democratic majority in a committee to report a nominee to the floor of the Senate. That was the only way you could get there. Republicans couldn't do it; only the Democrats could. So on November 21, 2013

the calendar was filled only with people the Democratic majority had approved of.

There was only one way for anyone to get off the Executive Calendar and onto the floor of the Senate to be confirmed, and that was for the Democratic leader, the majority leader, to move to do that. We can't object to that. We have to vote on it. There is no motion to proceed with a nomination; he can bring it up anytime he wants to.

The charge was made that there was a big backlog of people on this calendar. Well, here are the facts, and anyone who doubts it can look at the Executive Calendar for November 21, 2013, and they will see what the backlog was. There were 78 regular order nominations on November 21, 2013. Fifty-four of those nominees had been on the calendar less than 3 weeks. Sixteen had been on the calendar between 3 and 9 weeks. Eight had been on the calendar for more than 9 weeks.

There was an informal agreement between the floor staffs that 40 of the uncontroversial nominees on this calendar—40 of the 78—could be confirmed before the Senate left at the end of the week.

Let me use a specific example—district judges. We hear a lot about district judges. We had changed the rules at the request of the majority leader to make it easier to confirm district judges. We basically said that there could only be 2 hours of debate on a district judge and the majority could give back 1 of those hours.

On the date the Democrats said there was a big backlog, there were 13 district judges on the calendar. Those were the only ones who could have been brought up by the majority leader. One had been waiting for more than 9 weeks. Four had been waiting for between 3 and 9 weeks. Eight had been waiting for less than 3 weeks. But the important point is that we could have confirmed them all over the weekend. All the majority leader had to do was to move the nomination of each of the 13, wait an intervening day, and then if they did that on Thursday, the intervening day would be Friday, and then we would come back on Monday and we would have 1 hour of debate for each of those nominations. So there was no excuse. There was no backlog.

The Washington Post and the Congressional Research Service said that President Obama's nominees were moving through the Senate at about the same speed that President Clinton and President George W. Bush's nominees had been at that time in their terms. That is what the Congressional Research Service and the Washington Post said.

The calendar speaks the truth about the absence of a backlog. And I was involved three times in working to change the rules to make it easier to do Presidential nominations. It was nothing more than a power grab. So our friends should just admit that and admit that it was the wrong thing to



do for the Senate. A lot of Senators weren't here then.

The resolution Senator LEE and I have proposed gives the Senate a chance to abandon bad behavior and begin to adopt good behavior, to take a tradition of the Senate that has been followed almost without exception since 1789 and make it the order of the day and to do it the way the Senate rules say it should be done—with 67 votes.

In closing, let me simply say that I appreciate the fact that I am able to work on this with Senator LEE. This legislation developed really from a conversation and a suggestion he made to me on the floor of this Senate. I thought about it, and I said: I think you may be right about that. We worked together, and because of his background in the law and his experience in the Supreme Court, his leadership on this issue has been invaluable.

I thank the Senator for his suggestions, I thank him for his leadership, and I look forward to working with him when it comes before the Senate Rules Committee. I hope we can persuade our fellow Senators in a bipartisan way that a good way to begin this year would be to begin to change the rules the right way and to reject the bad behavior and bad habits of the last session of Congress.

I yield the floor.

Mr. LEE. Mr. President, I wish to speak briefly in support of this resolution. First of all, I wish to thank my distinguished colleague, the senior Senator from Tennessee, for his leadership in introducing this legislation. The Senator from Tennessee has shown great leadership on this issue. With his mastery of the Senate rules, his familiarity with the procedures of the Senate, the Senate's history, and his love for the Senate as an institution, the sponsor of this measure understands and appreciates the importance of maintaining order in the Senate. It is to this issue I would like to speak briefly.

When the Senate made this change in November of 2013, what happened was all of a sudden we had a split—a split that occurred between on the one hand the wording of the rule itself that governs cloture, on the other hand the precedent by which the Senate purports to be governed. So separate and apart from what the history tells us—from how often the Senate either has or hasn't used cloture on the Executive Calendar—there is this separate distinction that has now arisen.

The cloture rule says it takes three-fifths—a vote of three-fifths of the Senators—to bring end to debate on a particular matter. The rule itself makes no distinction between the Executive Calendar and the legislative calendar. It makes no distinction between ordinary legislative business where we are legislating and making law on the one hand and on the other we are meeting to decide whether to confirm a Presidential nominee. The rule doesn't distinguish, but the precedent now does.

When our colleagues on other side of the aisle voted in November 2013, appealing the ruling of the Chair, they reversed the precedent. They acted contrary to the language of the rule itself. This creates a certain amount of uncertainty, and that uncertainty I think needs to be resolved. We don't want to operate in an environment in which we have the rule saying one thing and the Senate precedent saying another thing.

So it was out of a certain amount of practical necessity that we looked to this as an alternative. In order to bring Senate practice back into harmony with the rules of the Senate, the best way we could come up with to do that would be to change the language of the rule.

Of course to change the language of the rule it takes 67 votes. While we are not certain what is going to happen, this is perhaps the only thing we could think of that could possibly get 67 votes—67 Senators saying yes, we can do that.

So it is very important that we have rules that are clear—rules that will apply regardless of who is in the White House, regardless of which party happens to control the majority of the seats in this body. If, after all, we are making the rules that would govern the country, if, after all, we are being asked to confirm Presidential nominees to high positions, we need to be following our own rules.

We have to remember also that one of the things we have prided ourselves on, one of the things that has distinguished the Senate from other legislative bodies—we call ourselves the world's greatest deliberative legislative body—is because from the very beginning this has been the kind of place where in theory we will continue to debate things as long as basically any one Member wants to continue to debate. Cloture is an exception to that. Cloture allows for three-fifths of the Senators present to decide it is time to bring the debate to an end, even if a minority of Senators want to continue. But it requires a supermajority.

There are many reasons to do this, but one of the reasons I think is important to point out is because it protects the right of each Senator to continue to offer improvements, to point out flaws and offer potential improvements to legislation—the amendment process. The amendment process is itself of course different in the context of legislation than it is in the context of a Presidential nominee.

I am personally not aware of any means by which one can amend a nominee. I am not aware of any process by which one can confirm a Presidential nominee's right hand but not his left.

I support this change. I think this change is important for this body and for the continuity of the Senate rules and I am grateful to the senior Senator from Tennessee for his efforts in this regard, which I wholeheartedly support.

SENATE RESOLUTION 68—EX-PRESSING THE SENSE OF THE SENATE REGARDING THE JANUARY 24, 2015, ATTACKS CARRIED OUT BY RUSSIAN-BACKED REBELS ON THE CIVILIAN POPULATION IN MARIUPOL, UKRAINE, AND THE PROVISION OF LETHAL AND NON-LETHAL MILITARY ASSISTANCE TO UKRAINE

Mr. JOHNSON (for himself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 68

Whereas Russian-backed rebels continue to expand their campaign in Ukraine, which has already claimed more than 5,000 lives and generated an estimated 1,500,000 refugees and internally displaced persons;

Whereas, on January 23, 2015, Russian rebels pulled out of peace talks with Western leaders;

Whereas, on January 24, 2015, the Ukrainian port city of Mariupol received rocket fire from territory in the Donetsk region controlled by rebels;

Whereas, on January 24, 2015, Alexander Zakharchenko, leader of the Russian-backed rebel Donetsk People's Republic, publicly announced that his troops had launched an offensive against Mariupol;

Whereas Mariupol is strategically located on the Sea of Azov and is a sea link between Russian-occupied Crimea and Russia, and could be used to form part of a land bridge between Crimea and Russia;

Whereas the indiscriminate attack on Mariupol killed 30 people, including 2 children, and wounded 102 in markets, homes, and schools;

Whereas any group that fires rockets knowingly into a civilian population is committing war crimes and is in violation of international humanitarian law;

Whereas, even after the Russian Federation and the Russian-backed rebels signed a ceasefire agreement called the Minsk Protocol in September 2014, NATO's Supreme Allied Commander, General Philip Breedlove, reported in November 2014 the movement of "Russian troops, Russian artillery, Russian air defense systems, and Russian combat troops" into Ukraine;

Whereas, on January 24, 2015, NATO Secretary General Jens Stoltenberg stated, "For several months we have seen the presence of Russian forces in eastern Ukraine, as well as a substantial increase in Russian heavy equipment such as tanks, artillery, and advanced air defense systems. Russian troops in eastern Ukraine are supporting offensive operations with command and control systems, air defense systems with advanced surface-to-air missiles, unmanned aerial systems, advanced multiple rocket launcher systems, and electronic warfare systems.";

Whereas, on January 25, 2015, after Russian-backed rebels attacked Mariupol, European Council President Donald Tusk wrote, "Once again appeasement encourages the aggressor to greater acts of violence; time to step up our policy based on cold facts, not illusions.";

Whereas, on November 19, 2014, at a Committee on Foreign Relations of the Senate confirmation hearing, Deputy National Security Adviser Anthony Blinken stated that the provision of defensive lethal assistance to the Government of Ukraine "remains on the table. It's something we're looking at.";

Whereas the Ukraine Freedom Support Act (Public Law 113-272), which was passed by Congress unanimously and signed into law by the President on December 18, 2014, states

that it is the policy of the United States to further assist the Government of Ukraine in restoring its sovereignty and its territorial integrity to deter the Government of the Russian Federation from further destabilizing and invading Ukraine and other independent countries in Central and Eastern Europe, the Caucasus, and Central Asia; and

Whereas the Ukraine Freedom Support Act authorizes \$350,000,000 in fiscal years 2015–2017 for the President to provide the Government of Ukraine with defense articles, defense services, and military training for the purpose of countering offensive weapons and reestablishing the sovereignty and territorial integrity of Ukraine, including anti-tank and anti-armor weapons; crew weapons and ammunition; counter-artillery radars; fire control and guidance equipment; surveillance drones; and secure command and communications equipment: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the attack on Mariupol by Russian-backed rebels;

(2) urges the President to provide lethal and non-lethal military assistance to Ukraine as unanimously supported by Congress in the Ukraine Freedom Support Act of 2014 (Public Law 113-272);

(3) calls on the United States, its European allies, and the international community to continue to apply economic and other forms of pressure on the Russian Federation, especially in the form of sanctions, if the Government of the Russian Federation continues to refuse to cease its aggression in Ukraine;

(4) calls on the Government of the Russian Federation to immediately end its support for the rebels in eastern Ukraine, allow Ukraine to regain control of its internationally-recognized borders, and withdraw its military presence in eastern Ukraine; and

(5) expresses solidarity with the people of Ukraine regarding the humanitarian crisis in their country and the destruction caused by the military, financial, and ideological support of the Government of the Russian Federation for the rebels in eastern Ukraine.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 249. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 249.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

##### TITLE I

##### DEPARTMENTAL MANAGEMENT AND OPERATIONS

##### OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security,

as authorized by law, \$132,573,000: *Provided*, That not to exceed \$45,000 shall be for official reception and representation expenses: *Provided further*, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a comprehensive plan for implementation of the biometric entry and exit data system required under section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), including the estimated costs for implementation.

##### OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), \$187,503,000, of which not to exceed \$2,250 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, \$4,493,000 shall remain available until September 30, 2016, solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and \$6,000,000 shall remain available until September 30, 2016, for the Human Resources Information Technology program: *Provided further*, That the Under Secretary for Management shall include in the President's budget proposal for fiscal year 2016, submitted pursuant to section 1105(a) of title 31, United States Code, a Comprehensive Acquisition Status Report, which shall include the information required under the heading "Office of the Under Secretary for Management" under title I of division D of the Consolidated Appropriations Act, 2012 (Public Law 112-74), and shall submit quarterly updates to such report not later than 45 days after the completion of each quarter.

##### OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$52,020,000: *Provided*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time the President's budget proposal for fiscal year 2016 is submitted pursuant to section 1105(a) of title 31, United States Code, the Future Years Homeland Security Program, as authorized by section 874 of Public Law 107-296 (6 U.S.C. 454).

##### OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$288,122,000; of which \$99,028,000 shall be available for salaries and expenses; and of which \$189,094,000, to remain available until September 30, 2016, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security.

##### ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$255,804,000; of which not to exceed \$3,825 shall be for official reception and representation expenses; and of which \$102,479,000 shall remain available until September 30, 2016.

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$118,617,000; of which not to exceed \$300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

##### TITLE II

##### SECURITY, ENFORCEMENT, AND INVESTIGATIONS

##### UNITED STATES CUSTOMS AND BORDER PROTECTION

##### SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$8,459,657,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which \$30,000,000 shall be available until September 30, 2016, solely for the purpose of hiring, training, and equipping United States Customs and Border Protection officers at ports of entry; of which not to exceed \$34,425 shall be for official reception and representation expenses; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That for fiscal year 2015, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That the Border Patrol shall maintain an active duty presence of not less than 21,370 full-time equivalent agents protecting the borders of the United States in the fiscal year.

##### AUTOMATION MODERNIZATION

For necessary expenses for United States Customs and Border Protection for operation and improvement of automated systems, including salaries and expenses, \$808,169,000; of

which \$446,075,000 shall remain available until September 30, 2017; and of which not less than \$140,970,000 shall be for the development of the Automated Commercial Environment.

**BORDER SECURITY FENCING, INFRASTRUCTURE,  
AND TECHNOLOGY**

For expenses for border security fencing, infrastructure, and technology, \$382,466,000, to remain available until September 30, 2017.

**AIR AND MARINE OPERATIONS**

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, the Air and Marine Operations Center, and other related equipment of the air and marine program, including salaries and expenses, operational training, and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and, at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; \$750,469,000; of which \$299,800,000 shall be available for salaries and expenses; and of which \$450,669,000 shall remain available until September 30, 2017: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2015 without prior notice to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That funding made available under this heading shall be available for customs expenses when necessary to maintain or to temporarily increase operations in Puerto Rico: *Provided further*, That the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act, on any changes to the 5-year strategic plan for the air and marine program required under the heading “Air and Marine Interdiction, Operations, and Maintenance” in Public Law 112-74.

**CONSTRUCTION AND FACILITIES MANAGEMENT**

For necessary expenses to plan, acquire, construct, renovate, equip, furnish, operate, manage, and maintain buildings, facilities, and related infrastructure necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, \$288,821,000, to remain available until September 30, 2019.

**UNITED STATES IMMIGRATION AND CUSTOMS  
ENFORCEMENT**

**SALARIES AND EXPENSES**

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations, including intellectual property rights and overseas vetted units operations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$5,932,756,000; of which not to exceed \$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$11,475 shall be for official reception and representation expenses; of which not to exceed \$2,000,000 shall be for awards of compensation to informants, to be

accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$305,000 shall be for promotion of public awareness of the child pornography tipline and activities to counter child exploitation; of which not less than \$5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); of which not to exceed \$40,000,000, to remain available until September 30, 2017, is for maintenance, construction, and leasehold improvements at owned and leased facilities; and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, \$15,770,000 shall be for activities to enforce laws against forced child labor, of which not to exceed \$6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than \$1,600,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable: *Provided further*, That the Secretary of Homeland Security shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: *Provided further*, That funding made available under this heading shall maintain a level of not less than 34,000 detention beds through September 30, 2015: *Provided further*, That of the total amount provided, not less than \$3,431,444,000 is for detention, enforcement, and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the amount provided for Custody Operations in the previous proviso, \$45,000,000 shall remain available until September 30, 2019: *Provided further*, That of the total amount provided for the Visa Security Program and international investigations, \$43,000,000 shall remain available until September 30, 2016: *Provided further*, That not less than \$15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center: *Provided further*, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been materially violated: *Provided further*, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than “adequate” or the equivalent median score in any subsequent performance evaluation system: *Provided further*, That nothing under this heading shall prevent United States Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime: *Provided further*, That without regard to the lim-

itation as to time and condition of section 503(d) of this Act, the Secretary may propose to reprogram and transfer funds within and into this appropriation necessary to ensure the detention of aliens prioritized for removal.

**AUTOMATION MODERNIZATION**

For expenses of immigration and customs enforcement automated systems, \$26,000,000, to remain available until September 30, 2017.

**TRANSPORTATION SECURITY ADMINISTRATION  
AVIATION SECURITY**

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$5,639,095,000, to remain available until September 30, 2016; of which not to exceed \$7,650 shall be for official reception and representation expenses: *Provided*, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2015 so as to result in a final fiscal year appropriation from the general fund estimated at not more than \$3,574,095,000: *Provided further*, That the fees deposited under this heading in fiscal year 2013 and sequestered pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), that are currently unavailable for obligation, are hereby permanently cancelled: *Provided further*, That notwithstanding section 44923 of title 49, United States Code, for fiscal year 2015, any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a) of such title: *Provided further*, That notwithstanding any other provision of law, mobile explosives detection equipment purchased and deployed using funds made available under this heading may be moved and redeployed to meet evolving passenger and baggage screening security priorities at airports: *Provided further*, That none of the funds made available in this Act may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners: *Provided further*, That the preceding proviso shall not apply to personnel hired as part-time employees: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed report on—

(1) the Department of Homeland Security efforts and resources being devoted to develop more advanced integrated passenger screening technologies for the most effective security of passengers and baggage at the lowest possible operating and acquisition costs, including projected funding levels for each fiscal year for the next 5 years or until project completion, whichever is earlier;

(2) how the Transportation Security Administration is deploying its existing passenger and baggage screener workforce in the most cost effective manner; and

(3) labor savings from the deployment of improved technologies for passenger and baggage screening and how those savings are being used to offset security costs or reinvested to address security vulnerabilities:

*Provided further*, That not later than April 15, 2015, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a semiannual report updating information on a strategy to increase the number of air passengers eligible for expedited screening, including:

(1) specific benchmarks and performance measures to increase participation in Pre-Check by air carriers, airports, and passengers;

(2) options to facilitate direct application for enrollment in Pre-Check through the Transportation Security Administration's Web site, airports, and other enrollment locations;

(3) use of third parties to pre-screen passengers for expedited screening;

(4) inclusion of populations already vetted by the Transportation Security Administration and other trusted populations as eligible for expedited screening;

(5) resource implications of expedited passenger screening resulting from the use of risk-based security methods; and

(6) the total number and percentage of passengers using Pre-Check lanes who:

(A) have enrolled in Pre-Check since Transportation Security Administration enrollment centers were established;

(B) enrolled using the Transportation Security Administration's Pre-Check application Web site;

(C) were enrolled as frequent flyers of a participating airline;

(D) utilized Pre-Check as a result of their enrollment in a Trusted Traveler program of United States Customs and Border Protection;

(E) were selectively identified to participate in expedited screening through the use of Managed Inclusion in fiscal year 2014; and

(F) are enrolled in all other Pre-Check categories:

*Provided further*, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General, Deputy Attorney General, Assistant Attorneys General, and the United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget, shall not be exempt from Federal passenger and baggage screening.

#### SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to surface transportation security activities, \$123,749,000, to remain available until September 30, 2016.

#### INTELLIGENCE AND VETTING

For necessary expenses for the development and implementation of intelligence and vetting activities, \$219,166,000, to remain available until September 30, 2016.

#### TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to transportation security support pursuant to the Aviation and Transportation Security

Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$917,226,000, to remain available until September 30, 2016: *Provided*, That not later than 90 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committees on Appropriations of the Senate and the House of Representatives—

(1) a report providing evidence demonstrating that behavioral indicators can be used to identify passengers who may pose a threat to aviation security and the plans that will be put into place to collect additional performance data; and

(2) a report addressing each of the recommendations outlined in the report entitled "TSA Needs Additional Information Before Procuring Next-Generation Systems", published by the Government Accountability Office on March 31, 2014, and describing the steps the Transportation Security Administration is taking to implement acquisition best practices, increase industry engagement, and improve transparency with regard to technology acquisition programs:

*Provided further*, That of the funds provided under this heading, \$25,000,000 shall be withheld from obligation for Headquarters Administration until the submission of the reports required by paragraphs (1) and (2) of the preceding proviso.

#### COAST GUARD

##### OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than \$700,000) and repairs and service-life replacements, not to exceed a total of \$31,000,000; purchase or lease of boats necessary for overseas deployments and activities; minor shore construction projects not exceeding \$1,000,000 in total cost on any location; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$7,043,318,000, of which \$553,000,000 shall be for defense-related activities, of which \$213,000,000 is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed \$15,300 shall be for official reception and representation expenses: *Provided*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to this appropriation: *Provided further*, That to the extent fees are insufficient to pay expenses of recreational vessel documentation under such section 12114, and there is a backlog of recreational vessel applications, then personnel performing non-recreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform documentation under section 12114: *Provided further*, That of the funds provided under this heading, \$85,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until a future-years capital investment plan for fiscal years 2016 through 2020, as specified under the heading "Coast

Guard, Acquisition, Construction, and Improvements" of this Act, is submitted to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That funds made available under this heading for Overseas Contingency Operations/Global War on Terrorism may be allocated by program, project, and activity, notwithstanding section 503 of this Act: *Provided further*, That, without regard to the limitation as to time and condition of section 503(d) of this Act, after June 30, up to \$10,000,000 may be reprogrammed to or from Military Pay and Allowances in accordance with subsections (a), (b), and (c) of section 503.

#### ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, \$13,197,000, to remain available until September 30, 2019.

#### RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the Coast Guard reserve program; personnel and training costs; and equipment and services; \$114,572,000.

#### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$1,225,223,000; of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which the following amounts shall be available until September 30, 2019 (except as subsequently specified): \$6,000,000 for military family housing; \$824,347,000 to acquire, effect major repairs to, renovate, or improve vessels, small boats, and related equipment; \$180,000,000 to acquire, effect major repairs to, renovate, or improve aircraft or increase aviation capability; \$59,300,000 for other acquisition programs; \$40,580,000 for shore facilities and aids to navigation, including facilities at Department of Defense installations used by the Coast Guard; and \$114,996,000, to remain available until September 30, 2015, for personnel compensation and benefits and related costs: *Provided*, That the funds provided by this Act shall be immediately available and allotted to contract for the production of the eighth National Security Cutter notwithstanding the availability of funds for post-production costs: *Provided further*, That the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, at the time the President's budget proposal for fiscal year 2016 is submitted pursuant to section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each requested capital asset—

(1) the proposed appropriations included in that budget;

(2) the total estimated cost of completion, including and clearly delineating the costs of associated major acquisition systems infrastructure and transition to operations;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until acquisition program baseline or project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) a current acquisition program baseline for each capital asset, as applicable, that—

(A) includes the total acquisition cost of each asset, subdivided by fiscal year and including a detailed description of the purpose of the proposed funding levels for each fiscal year, including for each fiscal year funds requested for design, pre-acquisition activities, production, structural modifications, missionization, post-delivery, and transition to operations costs;

(B) includes a detailed project schedule through completion, subdivided by fiscal year, that details—

(i) quantities planned for each fiscal year; and

(ii) major acquisition and project events, including development of operational requirements, contracting actions, design reviews, production, delivery, test and evaluation, and transition to operations, including necessary training, shore infrastructure, and logistics;

(C) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline and the most recent baseline approved by the Department of Homeland Security's Acquisition Review Board, if applicable;

(D) aligns the acquisition of each asset to mission requirements by defining existing capabilities of comparable legacy assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each asset will address such known capability gaps;

(E) defines life-cycle costs for each asset and the date of the estimate on which such costs are based, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the asset;

(F) includes the earned value management system summary schedule performance index and cost performance index for each asset, if applicable; and

(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize:

*Provided further*, That the Commandant of the Coast Guard shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget proposal for fiscal year 2016, submitted pursuant to section 1105(a) of title 31, United States Code: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That the Director of the Office of Management and Budget shall not delay the submission of the capital investment plan referred to by the preceding provisos: *Provided further*, That the Director of the Office of Management and Budget shall have no more than a single period of 10 consecutive business days to review the capital investment plan prior to submission: *Provided further*, That the Secretary of Homeland Security shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives one day after the capital investment plan is submitted to the Office of Management and Budget for review and the

Director of the Office of Management and Budget shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives when such review is completed: *Provided further*, That subsections (a) and (b) of section 6402 of Public Law 110-28 shall hereafter apply with respect to the amounts made available under this heading.

#### RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$17,892,000, to remain available until September 30, 2017, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

#### RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts, and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,450,626,000, to remain available until expended.

#### UNITED STATES SECRET SERVICE SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the United States Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees in cases in which a protective assignment on the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,615,860,000; of which not to exceed \$19,125 shall be for official reception and representation expenses; of which not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of

which \$2,366,000 shall be for forensic and related support of investigations of missing and exploited children; of which \$6,000,000 shall be for a grant for activities related to investigations of missing and exploited children and shall remain available until September 30, 2016; and of which not less than \$12,000,000 shall be for activities related to training in electronic crimes investigations and forensics: *Provided*, That \$18,000,000 for protective travel shall remain available until September 30, 2016: *Provided further*, That \$4,500,000 for National Special Security Events shall remain available until September 30, 2016: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided further*, That the Director of the United States Secret Service may enter into an agreement to provide such protection on a fully reimbursable basis: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Director of the United States Secret Service shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report providing evidence that the United States Secret Service has sufficiently reviewed its professional standards of conduct; and has issued new guidance and procedures for the conduct of employees when engaged in overseas operations and protective missions, consistent with the critical missions of, and the unique position of public trust occupied by, the United States Secret Service: *Provided further*, That of the funds provided under this heading, \$10,000,000 shall be withheld from obligation for Headquarters, Management and Administration until such report is submitted: *Provided further*, That for purposes of section 503(b) of this Act, \$15,000,000 or 10 percent, whichever is less, may be transferred between Protection of Persons and Facilities and Domestic Field Operations.

#### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of physical and technological infrastructure, \$49,935,000; of which \$5,380,000, to remain available until September 30, 2019, shall be for acquisition, construction, improvement, and maintenance of the James J. Rowley Training Center; and of which \$44,555,000, to remain available until September 30, 2017, shall be for Information Integration and Technology Transformation program execution.

## TITLE III

PROTECTION, PREPAREDNESS,  
RESPONSE, AND RECOVERY  
NATIONAL PROTECTION AND PROGRAMS  
DIRECTORATE

## MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, and information technology, \$61,651,000: *Provided*, That not to exceed \$3,825 shall be for official reception and representation expenses: *Provided further*, That the President's budget proposal for fiscal year 2016, submitted pursuant to section 1105(a) of title 31, United States Code, shall be detailed by office, and by program, project, and activity level, for the National Protection and Programs Directorate.

INFRASTRUCTURE PROTECTION AND  
INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$1,188,679,000, of which \$225,000,000 shall remain available until September 30, 2016: *Provided*, That if, due to delays in contract actions, the National Protection and Programs Directorate will not fully obligate funds for Federal Network Security or for Network Security Deployment program, project, and activities as provided in the accompanying statement and section 548 of this Act, such funds may be applied to Next Generation Networks program, project, and activities, notwithstanding section 503 of this Act.

## FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Director of the Federal Protective Service shall submit at the time the President's budget proposal for fiscal year 2016 is submitted pursuant to section 1105(a) of title 31, United States Code, a strategic human capital plan that aligns fee collections to personnel requirements based on a current threat assessment.

## OFFICE OF BIOMETRIC IDENTITY MANAGEMENT

For necessary expenses for the Office of Biometric Identity Management, as authorized by section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), \$252,056,000: *Provided*, That of the total amount made available under this heading, \$122,150,000 shall remain available until September 30, 2017.

## OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, \$129,358,000; of which \$26,148,000 is for salaries and expenses and \$86,891,000 is for BioWatch operations: *Provided*, That of the amount made available under this heading, \$16,319,000 shall remain available until September 30, 2016, for bio-surveillance, chemical defense, medical and health planning and coordination, and workforce health protection: *Provided further*, That not to exceed \$2,250 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY  
SALARIES AND EXPENSES

For necessary expenses of the Federal Emergency Management Agency, \$934,396,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire

Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the National Dam Safety Program Act (33 U.S.C. 467 et seq.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394), the Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141, 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113-89): *Provided*, That not to exceed \$2,250 shall be for official reception and representation expenses: *Provided further*, That of the total amount made available under this heading, \$35,180,000 shall be for the Urban Search and Rescue Response System, of which none is available for Federal Emergency Management Agency administrative costs: *Provided further*, That of the total amount made available under this heading, \$30,000,000 shall remain available until September 30, 2016, for capital improvements and other expenses related to continuity of operations at the Mount Weather Emergency Operations Center: *Provided further*, That of the total amount made available, \$3,400,000 shall be for the Office of National Capital Region Coordination: *Provided further*, That of the total amount made available under this heading, not less than \$4,000,000 shall remain available until September 30, 2016, for expenses related to modernization of automated systems.

## STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, \$1,500,000,000, which shall be allocated as follows:

(1) \$467,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), of which not less than \$55,000,000 shall be for Operation Stonegarden: *Provided*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2015, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) \$600,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which not less than \$13,000,000 shall be for organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) \$100,000,000 shall be for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135, 1163, and 1182), of which not less than \$10,000,000 shall be for Amtrak security and \$3,000,000 shall be for Over-the-Road Bus Security: *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(4) \$100,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107.

(5) \$233,000,000 shall be to sustain current operations for training, exercises, technical

assistance, and other programs, of which \$162,991,000 shall be for training of State, local, and tribal emergency response providers:

*Provided*, That for grants under paragraphs (1) through (4), applications for grants shall be made available to eligible applicants not later than 60 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 80 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act within 65 days after the receipt of an application: *Provided further*, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)) or any other provision of law, a grantee may not use more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: *Provided further*, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary of Homeland Security: *Provided further*, That notwithstanding section 509 of this Act, the Administrator of the Federal Emergency Management Agency may use the funds provided in paragraph (5) to acquire real property for the purpose of establishing or appropriately extending the security buffer zones around Federal Emergency Management Agency training facilities.

## FIREFIGHTER ASSISTANCE GRANTS

For grants for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$680,000,000, to remain available until September 30, 2016, of which \$340,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$340,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a).

EMERGENCY MANAGEMENT PERFORMANCE  
GRANTS

For emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$350,000,000.

RADIOLOGICAL EMERGENCY PREPAREDNESS  
PROGRAM

The aggregate charges assessed during fiscal year 2015, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2015, and remain available until expended.

## UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), \$44,000,000.



DISASTER RELIEF FUND  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$7,033,464,494, to remain available until expended, of which \$24,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters: *Provided*, That the Administrator of the Federal Emergency Management Agency shall submit to the Committees on Appropriations of the Senate and the House of Representatives the following reports, including a specific description of the methodology and the source data used in developing such reports:

(1) an estimate of the following amounts shall be submitted for the budget year at the time that the President's budget proposal for fiscal year 2016 is submitted pursuant to section 1105(a) of title 31, United States Code:

(A) the unobligated balance of funds to be carried over from the prior fiscal year to the budget year;

(B) the unobligated balance of funds to be carried over from the budget year to the budget year plus 1;

(C) the amount of obligations for non-catastrophic events for the budget year;

(D) the amount of obligations for the budget year for catastrophic events delineated by event and by State;

(E) the total amount that has been previously obligated or will be required for catastrophic events delineated by event and by State for all prior years, the current year, the budget year, the budget year plus 1, the budget year plus 2, and the budget year plus 3 and beyond;

(F) the amount of previously obligated funds that will be recovered for the budget year;

(G) the amount that will be required for obligations for emergencies, as described in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)), major disasters, as described in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), fire management assistance grants, as described in section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187), surge activities, and disaster readiness and support activities; and

(H) the amount required for activities not covered under section 251(b)(2)(D)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii); Public Law 99-177);

(2) an estimate or actual amounts, if available, of the following for the current fiscal year shall be submitted not later than the fifth day of each month, and shall be published by the Administrator on the Agency's Web site not later than the fifth day of each month:

(A) a summary of the amount of appropriations made available by source, the transfers executed, the previously allocated funds recovered, and the commitments, allocations, and obligations made;

(B) a table of disaster relief activity delineated by month, including—

(i) the beginning and ending balances;

(ii) the total obligations to include amounts obligated for fire assistance, emergencies, surge, and disaster support activities;

(iii) the obligations for catastrophic events delineated by event and by State; and

(iv) the amount of previously obligated funds that are recovered;

(C) a summary of allocations, obligations, and expenditures for catastrophic events delineated by event;

(D) in addition, for a disaster declaration related to Hurricane Sandy, the cost of the following categories of spending: public assistance, individual assistance, mitigation, administrative, operations, and any other relevant category (including emergency measures and disaster resources); and

(E) the date on which funds appropriated will be exhausted:

*Provided further*, That the Administrator shall publish on the Agency's Web site not later than 5 days after an award of a public assistance grant under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) the specifics of the grant award: *Provided further*, That for any mission assignment or mission assignment task order to another Federal department or agency regarding a major disaster, not later than 5 days after the issuance of the mission assignment or task order, the Administrator shall publish on the Agency's website the following: the name of the impacted State and the disaster declaration for such State, the assigned agency, the assistance requested, a description of the disaster, the total cost estimate, and the amount obligated: *Provided further*, That not later than 10 days after the last day of each month until the mission assignment or task order is completed and closed out, the Administrator shall update any changes to the total cost estimate and the amount obligated: *Provided further*, That of the amount provided under this heading, \$6,437,792,622 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That the amount in the preceding proviso is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FLOOD HAZARD MAPPING AND RISK ANALYSIS  
PROGRAM

For necessary expenses, including administrative costs, under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), and under sections 100215, 100216, 100226, 100230, and 100246 of the Biggert-Waters Flood Insurance Reform Act of 2012, (Public Law 112-141, 126 Stat. 916), \$100,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Biggert-Waters Flood Insurance Reform Act of 2012 (subtitle A of title II of division F of Public Law 112-141; 126 Stat. 916), and the Homeowner Flood Insurance Affordability Act of 2014 (Public Law 113-89; 128 Stat. 1020), \$179,294,000, which shall remain available until September 30, 2016, and shall be derived from offsetting amounts collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)); which is available for salaries and expenses associated with flood mitigation and flood insurance operations; and floodplain management and additional amounts for flood mapping: *Provided*, That of such amount, \$23,759,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations and \$155,535,000 shall be available for floodplain management and flood mapping: *Provided further*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C.

4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2015, no funds shall be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) in excess of:

(1) \$136,000,000 for operating expenses;

(2) \$1,139,000,000 for commissions and taxes of agents;

(3) such sums as are necessary for interest on Treasury borrowings; and

(4) \$150,000,000, which shall remain available until expended, for flood mitigation actions and for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding sections 1366(e) and 1310(a)(7) of such Act (42 U.S.C. 4104c(e), 4017):

*Provided further*, That the amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(e) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8), section 1366(e), and paragraphs (1) through (3) of section 1367(b) of such Act (42 U.S.C. 4012a(f)(8), 4104c(e), 4104d(b)(1)–(3)): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation: *Provided further*, That \$5,000,000 is available to carry out section 24 of the Homeowner Flood Insurance Affordability Act of 2014 (42 U.S.C. 4033).

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), \$25,000,000, to remain available until expended.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH, DEVELOPMENT, TRAINING,  
AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION  
SERVICES

For necessary expenses for citizenship and immigration services, \$124,435,000 for the E-Verify Program, as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: *Provided*, That, notwithstanding any other provision of law, funds otherwise made available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to 5 vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

FEDERAL LAW ENFORCEMENT TRAINING  
CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not

to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; \$230,497,000; of which up to \$54,154,000 shall remain available until September 30, 2016, for materials and support costs of Federal law enforcement basic training; of which \$300,000 shall remain available until expended to be distributed to Federal law enforcement agencies for expenses incurred participating in training accreditation; and of which not to exceed \$7,180 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107-206 (42 U.S.C. 3771 note), as amended under this heading in division F of Public Law 113-76, is further amended by striking “December 31, 2016” and inserting “December 31, 2017”: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: *Provided further*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

#### ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$27,841,000, to remain available until September 30, 2019: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

#### SCIENCE AND TECHNOLOGY MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$129,993,000: *Provided*, That not to exceed \$7,650 shall be for official reception and representation expenses.

#### RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects, development, test and evaluation, acquisition, and operations as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), and the purchase or lease of not to exceed 5 vehicles,

\$973,915,000; of which \$538,926,000 shall remain available until September 30, 2017; and of which \$434,989,000 shall remain available until September 30, 2019, solely for operation and construction of laboratory facilities: *Provided*, That of the funds provided for the operation and construction of laboratory facilities under this heading, \$300,000,000 shall be for construction of the National Bio- and Agro-defense Facility.

#### DOMESTIC NUCLEAR DETECTION OFFICE

##### MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office, as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), for management and administration of programs and activities, \$37,339,000: *Provided*, That not to exceed \$2,250 shall be for official reception and representation expenses.

##### RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, \$197,900,000, to remain available until September 30, 2017.

##### SYSTEMS ACQUISITION

For necessary expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, \$72,603,000, to remain available until September 30, 2017.

#### TITLE V

#### GENERAL PROVISIONS

##### (INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2015, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates a new program, project, or activity;

(2) eliminates a program, project, office, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or

(5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2015 Budget Appendix for the Department of Homeland Security, as modified by the report accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Depart-

ment of Homeland Security that remain available for obligation or expenditure in fiscal year 2015, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that:

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity;

(3) reduces by 10 percent the numbers of personnel approved by the Congress; or

(4) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations based upon an initial notification provided after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in this section shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103-356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2015: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2015 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the Committees on Appropriations of the Senate and House of Representatives shall be notified of any activity added to or removed from the fund: *Provided further*, That the Chief Financial Officer of the Department of Homeland Security shall submit a quarterly execution report with activity level detail, not later than 30 days after the end of each quarter.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2015, as recorded in the financial records at the time of a reprogramming request, but not later than June 30, 2016, from appropriations for salaries and expenses for fiscal year 2015 in this Act shall remain available through September 30, 2016, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2015 until the enactment of an Act authorizing intelligence activities for fiscal year 2015.

SEC. 507. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used to—

(1) make or award a grant allocation, grant, contract, other transaction agreement, or task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of \$1,000,000;

(2) award a task or delivery order requiring an obligation of funds in an amount greater than \$10,000,000 from multi-year Department of Homeland Security funds;

(3) make a sole-source grant award; or  
(4) announce publicly the intention to make or award items under paragraph (1), (2), or (3) including a contract covered by the Federal Acquisition Regulation.

(b) The Secretary of Homeland Security may waive the prohibition under subsection (a) if the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making an award or issuing a letter as described in that subsection.

(c) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after such an award is made or letter issued.

(d) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award; the fiscal year for which the funds for the award were appropriated; the type of contract; and the account from which the funds are being drawn.

(e) The Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under “State and Local Programs”.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. (a) Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110-161; 121 Stat. 2073 and 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

(b) The third proviso of section 537 of the Department of Homeland Security Appropriations Act, 2006 (6 U.S.C. 114), shall not apply with respect to funds made available in this Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act. For purposes of the preceding sentence, the term “Buy American Act” means chapter 83 of title 41, United States Code.

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. Not later than 30 days after the last day of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations of the Department for that month for the fiscal year at the appropriation and program, project, and activity levels, by the source year of the appropriation. Total obligations for staffing shall also be provided by subcategory of on-board and funded full-time equivalent staffing levels, respectively, and the report shall specify the number of, and total obligations for, contract employees for each office of the Department.

SEC. 514. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration “Aviation Security”, “Administration”, and “Transportation Security Support” for fiscal years 2004 and 2005 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: *Provided*, That semiannual reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as Immigration Information Officers, Contact Representatives, Investigative Assistants, or Immigration Services Officers.

SEC. 516. Any funds appropriated to “Coast Guard, Acquisition, Construction, and Improvements” for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110-123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 517. The functions of the Federal Law Enforcement Training Center instructor

staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 518. (a) The Secretary of Homeland Security shall submit a report not later than October 15, 2015, to the Office of Inspector General of the Department of Homeland Security listing all grants and contracts awarded by any means other than full and open competition during fiscal year 2015.

(b) The Inspector General shall review the report required by subsection (a) to assess Departmental compliance with applicable laws and regulations and report the results of that review to the Committees on Appropriations of the Senate and the House of Representatives not later than February 15, 2016.

SEC. 519. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official (or the successor thereto) for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies unless—

(1) the responsibilities of the Principal Federal Official do not include operational functions related to incident management, including coordination of operations, and are consistent with the requirements of section 509(c) and sections 503(c)(3) and 503(c)(4)(A) of the Homeland Security Act of 2002 (6 U.S.C. 319(c) and 313(c)(3) and 313(c)(4)(A)) and section 302 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5143);

(2) not later than 10 business days after the latter of the date on which the Secretary of Homeland Security appoints the Principal Federal Official and the date on which the President issues a declaration under section 401 or section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191, respectively), the Secretary of Homeland Security shall submit a notification of the appointment of the Principal Federal Official and a description of the responsibilities of such Official and how such responsibilities are consistent with paragraph (1) to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(3) not later than 60 days after the date of enactment of this Act, the Secretary shall provide a report specifying timeframes and milestones regarding the update of operations, planning and policy documents, and training and exercise protocols, to ensure consistency with paragraph (1) of this section.

SEC. 520. None of the funds provided or otherwise made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 521. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 522. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States

Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 523. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking “Until September 30, 2014,” and inserting “Until September 30, 2015,”; and

(2) in subsection (c)(1), by striking “September 30, 2014,” and inserting “September 30, 2015.”

SEC. 524. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 525. Notwithstanding any other provision of law, none of the funds provided in this or any other Act shall be used to approve a waiver of the navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b) for the transportation of crude oil distributed from the Strategic Petroleum Reserve until the Secretary of Homeland Security, after consultation with the Secretaries of the Departments of Energy and Transportation and representatives from the United States flag maritime industry, takes adequate measures to ensure the use of United States flag vessels: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives within 2 business days of any request for waivers of navigation and vessel-inspection laws pursuant to 46 U.S.C. 501(b).

SEC. 526. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 527. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 528. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9703.1(g)(4)(B) of title 31, United States Code (as added by Public Law 102-393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 529. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 530. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A-76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 531. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date on which the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall publish on the Web site of the Federal Emergency Management Agency a report regarding that decision that shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “major disaster” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 532. Any official that is required by this Act to report or to certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 533. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 534. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

SEC. 535. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 536. (a) Any company that collects or retains personal information directly from any individual who participates in the Registered Traveler or successor program of the Transportation Security Administration shall hereafter safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800-30, entitled “Risk Management Guide for Information Technology Systems”; and

(2) the National Institute for Standards and Technology Special Publication 800-53, Revision 3, entitled “Recommended Security Controls for Federal Information Systems and Organizations”; and

(3) any supplemental standards established by the Administrator of the Transportation Security Administration (referred to in this section as the “Administrator”).

(b) The airport authority or air carrier operator that sponsors the company under the Registered Traveler program shall hereafter be known as the “Sponsoring Entity”.

(c) The Administrator shall hereafter require any company covered by subsection (a)

to provide, not later than 30 days after the date of enactment of this Act, to the Sponsoring Entity written certification that the procedures used by the company to safeguard and dispose of information are in compliance with the requirements under subsection (a). Such certification shall include a description of the procedures used by the company to comply with such requirements.

SEC. 537. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 538. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers' and crews' privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 539. (a) Notwithstanding section 1356(n) of title 8, United States Code, of the funds deposited into the Immigration Examinations Fee Account, \$10,000,000 may be allocated by United States Citizenship and Immigration Services in fiscal year 2015 for the purpose of providing an immigrant integration grants program.

(b) None of the funds made available to United States Citizenship and Immigration Services for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

SEC. 540. For an additional amount for the “Office of the Under Secretary for Management”, \$48,600,000, to remain available until expended, for necessary expenses to plan, acquire, design, construct, renovate, remediate, equip, furnish, improve infrastructure, and occupy buildings and facilities for the department headquarters consolidation project and associated mission support consolidation: *Provided*, That the Committees on Appropriations of the Senate and the House of Representatives shall receive an expenditure plan not later than 90 days after the date of enactment of the Act detailing the allocation of these funds.

SEC. 541. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of subtitle I of title 41, United States Code, or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 542. (a) For an additional amount for financial systems modernization, \$34,072,000 to remain available until September 30, 2016.

(b) Funds made available in subsection (a) for financial systems modernization may be transferred by the Secretary of Homeland Security between appropriations for the same purpose, notwithstanding section 503 of this Act.

(c) No transfer described in subsection (b) shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer.

SEC. 543. Notwithstanding the 10 percent limitation contained in section 503(c) of this Act, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to \$20,000,000 from appropriations available to the Department of Homeland Security: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of

Representatives 5 days in advance of such transfer.

SEC. 544. Notwithstanding any other provision of law, if the Secretary of Homeland Security determines that specific United States Immigration and Customs Enforcement Service Processing Centers or other United States Immigration and Customs Enforcement owned detention facilities no longer meet the mission need, the Secretary is authorized to dispose of individual Service Processing Centers or other United States Immigration and Customs Enforcement owned detention facilities by directing the Administrator of General Services to sell all real and related personal property which support Service Processing Centers or other United States Immigration and Customs Enforcement owned detention facilities, subject to such terms and conditions as necessary to protect Government interests and meet program requirements: *Provided*, That the proceeds, net of the costs of sale incurred by the General Services Administration and United States Immigration and Customs Enforcement, shall be deposited as offsetting collections into a separate account that shall be available, subject to appropriation, until expended for other real property capital asset needs of existing United States Immigration and Customs Enforcement assets, excluding daily operations and maintenance costs, as the Secretary deems appropriate: *Provided further*, That any sale or collocation of federally owned detention facilities shall not result in the maintenance of fewer than 34,000 detention beds: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to the announcement of any proposed sale or collocation.

SEC. 545. The Commissioner of United States Customs and Border Protection and the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement shall, with respect to fiscal years 2015, 2016, 2017, and 2018, submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget proposal for fiscal year 2016 is submitted pursuant to the requirements of section 1105(a) of title 31, United States Code, the information required in the multi-year investment and management plans required, respectively, under the headings "U.S. Customs and Border Protection, Salaries and Expenses" under title II of division D of the Consolidated Appropriations Act, 2012 (Public Law 112-74); "U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology" under such title; and section 568 of such Act.

SEC. 546. The Secretary of Homeland Security shall ensure enforcement of all immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

SEC. 547. (a) Of the amounts made available by this Act for "National Protection and Programs Directorate, Infrastructure Protection and Information Security", \$140,525,000 for the Federal Network Security program, project, and activity shall be used to deploy on Federal systems technology to improve the information security of agency information systems covered by section 3543(a) of title 44, United States Code: *Provided*, That funds made available under this section shall be used to assist and support Government-wide and agency-specific efforts to provide adequate, risk-based, and cost-effective cybersecurity to address escalating and rapidly evolving threats to information security, including the acquisition and operation of a continuous monitoring and diagnostics program, in collaboration with departments and agencies, that includes

equipment, software, and Department of Homeland Security supplied services: *Provided further*, That continuous monitoring and diagnostics software procured by the funds made available by this section shall not transmit to the Department of Homeland Security any personally identifiable information or content of network communications of other agencies' users: *Provided further*, That such software shall be installed, maintained, and operated in accordance with all applicable privacy laws and agency-specific policies regarding network content.

(b) Funds made available under this section may not be used to supplant funds provided for any such system within an agency budget.

(c) Not later than July 1, 2015, the heads of all Federal agencies shall submit to the Committees on Appropriations of the Senate and the House of Representatives expenditure plans for necessary cybersecurity improvements to address known vulnerabilities to information systems described in subsection (a).

(d) Not later than October 1, 2015, and semiannually thereafter, the head of each Federal agency shall submit to the Director of the Office of Management and Budget a report on the execution of the expenditure plan for that agency required by subsection (c): *Provided*, That the Director of the Office of Management and Budget shall summarize such execution reports and annually submit such summaries to Congress in conjunction with the annual progress report on implementation of the E-Government Act of 2002 (Public Law 107-347), as required by section 3606 of title 44, United States Code.

(e) This section shall not apply to the legislative and judicial branches of the Federal Government and shall apply to all Federal agencies within the executive branch except for the Department of Defense, the Central Intelligence Agency, and the Office of the Director of National Intelligence.

SEC. 548. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 549. None of the funds made available in this Act may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 550. None of the funds provided in this or any other Act may be obligated to implement the National Preparedness Grant Program or any other successor grant programs unless explicitly authorized by Congress.

SEC. 551. None of the funds made available in this Act may be used to provide funding for the position of Public Advocate, or a successor position, within United States Immigration and Customs Enforcement.

SEC. 552. (a) Section 559 of division F of Public Law 113-76 is amended as follows:

(1) Subsection (f)(2)(B) is amended by adding at the end: "Such transfer shall not be required for personal property, including furniture, fixtures, and equipment."; and

(2) Subsection (e)(3)(b) is amended by inserting after "payment of overtime" the following: "and the salaries, training and benefits of individuals employed by U.S. Customs and Border Protection to support U.S. Customs and Border Protection officers in per-

forming law enforcement functions at ports of entry, including primary and secondary processing of passengers".

(b) Section 560(g) of division D of Public Law 113-6 is amended by inserting after "payment of overtime" the following: "and the salaries, training and benefits of individuals employed by U.S. Customs and Border Protection to support U.S. Customs and Border Protection officers in performing law enforcement functions at ports of entry, including primary and secondary processing of passengers".

(c) The Commissioner of United States Customs and Border Protection may modify a reimbursable fee agreement in effect as of the date of enactment of this Act to include costs specified in this section.

SEC. 553. None of the funds made available in this Act may be used to pay for the travel to or attendance of more than 50 employees of a single component of the Department of Homeland Security, who are stationed in the United States, at a single international conference unless the Secretary of Homeland Security, or a designee, determines that such attendance is in the national interest and notifies the Committees on Appropriations of the Senate and the House of Representatives within at least 10 days of that determination and the basis for that determination: *Provided*, That for purposes of this section the term "international conference" shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

SEC. 554. None of the funds made available in this Act may be used to reimburse any Federal department or agency for its participation in a National Special Security Event.

SEC. 555. With the exception of countries with preclearance facilities in service prior to 2013, none of the funds made available in this Act may be used for new United States Customs and Border Protection air preclearance agreements entering into force after February 1, 2014, unless—

(1) the Secretary of Homeland Security, in consultation with the Secretary of State, has certified to Congress that air preclearance operations at the airport provide a homeland or national security benefit to the United States;

(2) United States passenger air carriers are not precluded from operating at existing preclearance locations; and

(3) a United States passenger air carrier is operating at all airports contemplated for establishment of new air preclearance operations.

SEC. 556. None of the funds made available by this or any other Act may be used by the Administrator of the Transportation Security Administration to implement, administer, or enforce, in abrogation of the responsibility described in section 44903(n)(1) of title 49, United States Code, any requirement that airport operators provide airport-financed staffing to monitor exit points from the sterile area of any airport at which the Transportation Security Administration provided such monitoring as of December 1, 2013.

SEC. 557. In making grants under the heading "Firefighter Assistance Grants", the Secretary may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

SEC. 558. (a) IN GENERAL.—Beginning on the date of the enactment of this Act, the Secretary shall not—

(1) establish, collect, or otherwise impose any new border crossing fee on individuals crossing the Southern border or the Northern border at a land port of entry; or

(2) conduct any study relating to the imposition of a border crossing fee.

(b) **BORDER CROSSING FEE DEFINED.**—In this section, the term “border crossing fee” means a fee that every pedestrian, cyclist, and driver and passenger of a private motor vehicle is required to pay for the privilege of crossing the Southern border or the Northern border at a land port of entry.

SEC. 559. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary reemployment basis to conduct arbitrations of disputes arising from delivery of assistance under the Federal Emergency Management Agency Public Assistance Program.

SEC. 560. As authorized by section 601(b) of the United States-Colombia Trade Promotion Agreement Implementation Act (Public Law 112-42) fees collected from passengers arriving from Canada, Mexico, or an adjacent island pursuant to section 1303(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) shall be available until expended.

SEC. 561. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on the Department of Homeland Security that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2016 appropriations Act.

SEC. 562. (a) The Secretary of Homeland Security shall submit to the Congress, not later than 180 days after the date of enactment of this Act and annually thereafter, beginning at the time the President's budget proposal for fiscal year 2017 is submitted pursuant to section 1105(a) of title 31, United States Code, a comprehensive report on the purchase and usage of weapons, subdivided by weapon type. The report shall include—

(1) the quantity of weapons in inventory at the end of the preceding calendar year, and the amount of weapons, subdivided by weapon type, included in the budget request for each relevant component or agency in the Department of Homeland Security;

(2) a description of how such quantity and purchase aligns to each component or agency's mission requirements for certification, qualification, training, and operations; and

(3) details on all contracting practices applied by the Department of Homeland Security, including comparative details regarding other contracting options with respect to cost and availability.

(b) The reports required by subsection (a) shall be submitted in an appropriate format in order to ensure the safety of law enforcement personnel.

SEC. 563. None of the funds made available by this Act shall be used for the environmental remediation of the Coast Guard's LORAN support in Wildwood/Lower Township, New Jersey.

SEC. 564. None of the funds made available to the Department of Homeland Security by this or any other Act may be obligated for any structural pay reform that affects more than 100 full-time equivalent employee positions or costs more than \$5,000,000 in a single

year before the end of the 30-day period beginning on the date on which the Secretary of Homeland Security submits to Congress a notification that includes—

(1) the number of full-time equivalent employee positions affected by such change;

(2) funding required for such change for the current year and through the Future Years Homeland Security Program;

(3) justification for such change; and

(4) an analysis of compensation alternatives to such change that were considered by the Department.

SEC. 565. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Committees on Appropriations of the Senate and the House of Representatives in this Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises homeland or national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days except as otherwise specified in law.

SEC. 566. Section 605 of division E of Public Law 110-161 (6 U.S.C. 1404) is hereby repealed.

SEC. 567. The Administrator of the Federal Emergency Management Agency may transfer up to \$95,000,000 in unobligated balances made available for the appropriations account for “Federal Emergency Management Agency, Disaster Assistance Direct Loan Program” under section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109-88; 119 Stat. 2061) or under chapter 5 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3592) to the appropriations account for “Federal Emergency Management Agency, Disaster Relief Fund”. Amounts transferred to such account under this section shall be available for any authorized purpose of such account.

SEC. 568. Notwithstanding any other provision of law, Gerardo Ismael Hernandez, a Transportation Security Officer employed by the Transportation Security Administration who died as the direct result of an injury sustained in the line of duty on November 1, 2013, at the Los Angeles International Airport, shall be deemed to have been a public safety officer for the purposes of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3711 et seq.).

SEC. 569. The Office of Management and Budget and the Department of Homeland Security shall ensure the congressional budget justifications accompanying the President's budget proposal for the Department of Homeland Security, submitted pursuant to section 1105(a) of title 31, United States Code, include estimates of the number of unaccompanied alien children anticipated to be apprehended in the budget year and the number of agent or officer hours required to process, manage, and care for such children: *Provided*, That such materials shall also include estimates of all other associated costs for each relevant Departmental component, including but not limited to personnel; equipment; supplies; facilities; managerial, technical, and advisory services; medical treatment; and all costs associated with transporting such children from one Departmental component to another or from a Departmental component to another Federal agency.

SEC. 570. Notwithstanding section 404 or 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c and 5187), until September 30, 2015, the President may provide hazard mitigation assistance in accordance with such section 404 in any area in which assistance was provided under such section 420.

SEC. 571. That without regard to the limitation as to time and condition of section 503(d) of this Act, the Secretary may propose to reprogram within and transfer funds into “U.S. Customs and Border Protection, Salaries and Expenses” and “U.S. Immigration and Customs Enforcement, Salaries and Expenses” as necessary to ensure the care and transportation of unaccompanied alien children.

SEC. 572. Notwithstanding any other provision of law, grants awarded to States along the Southwest Border of the United States under sections 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) using funds provided under the heading “Federal Emergency Management Agency, State and Local Programs” in division F of Public Law 113-76 or division D of Public Law 113-6 may be used by recipients or sub-recipients for costs, or reimbursement of costs, related to providing humanitarian relief to unaccompanied alien children and alien adults accompanied by an alien minor where they are encountered after entering the United States, provided that such costs were incurred during the award period of performance.

#### (RESCISSIONS)

SEC. 573. Of the funds appropriated to the Department of Homeland Security, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177):

(1) \$5,000,000 from unobligated prior year balances from “U.S. Customs and Border Protection, Border Security, Fencing, Infrastructure, and Technology”;

(2) \$8,000,000 from Public Law 113-76 under the heading “U.S. Customs and Border Protection, Air and Marine Operations” in division F of such Act;

(3) \$10,000,000 from unobligated prior year balances from “U.S. Customs and Border Protection, Construction and Facilities Management”;

(4) \$15,300,000 from “Transportation Security Administration, Aviation Security” account 70x0550;

(5) \$187,000,000 from Public Law 113-76 under the heading “Transportation Security Administration, Aviation Security”;

(6) \$2,550,000 from Public Law 112-10 under the heading “Coast Guard, Acquisition, Construction, and Improvements”;

(7) \$12,095,000 from Public Law 112-74 under the heading “Coast Guard, Acquisition, Construction, and Improvements”;

(8) \$16,349,000 from Public Law 113-6 under the heading “Coast Guard, Acquisition, Construction, and Improvements”;

(9) \$30,643,000 from Public Law 113-76 under the heading “Coast Guard, Acquisition, Construction, and Improvements”;

(10) \$24,000,000 from “Federal Emergency Management Agency, National Predisaster Mitigation Fund” account 70x0716; and

(11) \$16,627,000 from “Science and Technology, Research, Development, Acquisition, and Operations” account 70x0800.

#### (RESCISSION)

SEC. 574. From the unobligated balances made available in the Department of the



Treasury Forfeiture Fund established by section 9703 of title 31, United States Code, (added by section 638 of Public Law 102-393), \$175,000,000 shall be rescinded.

## (RESCISSIONS)

SEC. 575. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

- (1) \$1,317,018 from "U.S. Customs and Border Protection, Salaries and Expenses";
- (2) \$57,998 from "Coast Guard, Acquisition, Construction, and Improvements";
- (3) \$17,597 from "Federal Emergency Management Agency, Office of Domestic Preparedness"; and
- (4) \$82,926 from "Federal Emergency Management Agency, National Predisaster Mitigation Fund".

SEC. 576. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of the Department of Homeland Security Appropriations Act, 2014 (Public Law 113-76) are rescinded:

- (1) \$463,404 from "Office of the Secretary and Executive Management";
- (2) \$47,023 from "Office of the Under Secretary for Management";
- (3) \$29,852 from "Office of the Chief Financial Officer";
- (4) \$16,346 from "Office of the Chief Information Officer";
- (5) \$816,384 from "Analysis and Operations";
- (6) \$158,931 from "Office of Inspector General";
- (7) \$635,153 from "U.S. Customs and Border Protection, Salaries and Expenses";
- (8) \$65,195 from "U.S. Customs and Border Protection, Automation Modernization";
- (9) \$96,177 from "U.S. Customs and Border Protection, Air and Marine Operations";
- (10) \$2,368,902 from "U.S. Immigration and Customs Enforcement, Salaries and Expenses";
- (11) \$600,000 from "Transportation Security Administration, Federal Air Marshals";
- (12) \$3,096,521 from "Coast Guard, Operating Expenses";
- (13) \$208,654 from "Coast Guard, Reserve Training";
- (14) \$1,722,319 from "Coast Guard, Acquisition, Construction, and Improvements";
- (15) \$1,256,900 from "United States Secret Service, Salaries and Expenses";
- (16) \$107,432 from "National Protection and Programs Directorate, Management and Administration";
- (17) \$679,212 from "National Protection and Programs Directorate, Infrastructure Protection and Information Security";
- (18) \$26,169 from "Office of Biometric Identity Management";
- (19) \$37,201 from "Office of Health Affairs";
- (20) \$818,184 from "Federal Emergency Management Agency, Salaries and Expenses";
- (21) \$447,280 from "Federal Emergency Management Agency, State and Local Programs";
- (22) \$98,841 from "Federal Emergency Management Agency, United States Fire Administration";
- (23) \$448,073 from "United States Citizenship and Immigration Services";
- (24) \$519,503 from "Federal Law Enforcement Training Center, Salaries and Expenses";
- (25) \$500,005 from "Science and Technology, Management and Administration"; and
- (26) \$68,910 from "Domestic Nuclear Detection Office, Management and Administration".

## (RESCISSION)

SEC. 577. Of the unobligated balances made available to "Federal Emergency Management Agency, Disaster Relief Fund", \$375,000,000 shall be rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That no amounts may be rescinded from the amounts that were designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 578. The explanatory statement regarding this Act, printed in the House of Representatives section of the Congressional Record, on or about January 13, 2015, by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 579. (a) No funds, resources, or fees made available to the Secretary of Homeland Security, or to any other official of a Federal agency, by this Act or any other Act for any fiscal year, including any deposits into the "Immigration Examinations Fee Account" established under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), may be used to implement, administer, enforce, or carry out (including through the issuance of any regulations) any of the policy changes set forth in the following memoranda (or any substantially similar policy changes issued or taken on or after January 9, 2015, whether set forth in memorandum, Executive order, regulation, directive, or by other action):

(1) The memorandum from the Secretary of Homeland Security entitled "Southern Border and Approaches Campaign" dated November 20, 2014.

(2) The memorandum from the Secretary of Homeland Security entitled "Policies for the Apprehension, Detention and Removal of Undocumented Immigrants" dated November 20, 2014.

(3) The memorandum from the Secretary of Homeland Security entitled "Secure Communities" dated November 20, 2014.

(4) The memorandum from the Secretary of Homeland Security entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents" dated November 20, 2014.

(5) The memorandum from the Secretary of Homeland Security entitled "Expansion of the Provisional Waiver Program" dated November 20, 2014.

(6) The memorandum from the Secretary of Homeland Security entitled "Policies Supporting U.S. High-Skilled Businesses and Workers" dated November 20, 2014.

(7) The memorandum from the Secretary of Homeland Security entitled "Families of U.S. Armed Forces Members and Enlistees" dated November 20, 2014.

(8) The memorandum from the Secretary of Homeland Security entitled "Directive to Provide Consistency Regarding Advance Parole" dated November 20, 2014.

(9) The memorandum from the Secretary of Homeland Security entitled "Policies to Promote and Increase Access to U.S. Citizenship" dated November 20, 2014.

(10) The memorandum from the President entitled "Modernizing and Streamlining the U.S. Immigrant Visa System for the 21st Century" dated November 21, 2014.

(11) The memorandum from the President entitled "Creating Welcoming Communities and Fully Integrating Immigrants and Refugees" dated November 21, 2014.

(b) The memoranda referred to in subsection (a) (or any substantially similar policy changes issued or taken on or after January 9, 2015, whether set forth in memorandum, Executive order, regulation, directive, or by other action) have no statutory or constitutional basis and therefore have no legal effect.

(c) No funds or fees made available to the Secretary of Homeland Security, or to any other official of a Federal agency, by this Act or any other Act for any fiscal year, including any deposits into the "Immigration Examinations Fee Account" established under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), may be used to grant any Federal benefit to any alien pursuant to any of the policy changes set forth in the memoranda referred to in subsection (a) (or any substantially similar policy changes issued or taken on or after January 9, 2015, whether set forth in memorandum, Executive order, regulation, directive, or by other action).

(d) The budgetary effects of this section shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(e) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this section shall not be estimated—

(1) for purposes of section 251 of the such Act; and

(2) for purposes of paragraph 4(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

SEC. 580. (a) No funds or fees made available to the Secretary of Homeland Security by this Act or any other Act for any fiscal year may be used to implement, administer, enforce, or carry out (including through the issuance of any regulations) any policy relating to the apprehension, detention, or removal of aliens that does not treat any alien convicted of any offense involving domestic violence, sexual abuse, child molestation, or child exploitation as within the categories of aliens subject to the Department of Homeland Security's highest civil immigration enforcement priorities.

(b) The budgetary effects of this section shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(c) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this section shall not be estimated—

(1) for purposes of section 251 of the such Act; and

(2) for purposes of paragraph 4(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

SEC. 581. (a) The Congress finds that—

(1) under the Patient Protection and Affordable Care Act (Public Law 111-148), many individuals and businesses are required to purchase health insurance coverage for themselves and their employees;

(2) individuals who were unlawfully present in the United States who have been granted deferred action under the Deferred Action for Childhood Arrivals Program undertaken by the Executive Branch and who then receive work authorization are exempt from these requirements;

(3) many United States employers hiring United States citizens or individuals legally present in the United States are required to either offer those persons affordable health insurance or pay a penalty of approximately \$3,000 per employee per year; and

(4) an employer does not have to provide insurance, or in many instances pay a penalty, if they hire individuals who were not lawfully present but who have been granted deferred action under the Deferred Action for Childhood Arrivals Program and work authorization.

(b) It is the sense of the Congress that—

(1) this disparate treatment has the unacceptable effect of discouraging the hiring of United States citizens and those in a lawful immigration status in the United States; and

(2) the Executive Branch should refrain from pursuing policies, such as granting deferred action under the Deferred Action for Childhood Arrivals Program and work authorization to unlawfully present individuals, that disadvantage the hiring of United States citizens and those in a lawful immigration status in the United States.

SEC. 582. It is the sense of the Congress that the Director of United States Citizenship and Immigration Services (USCIS) should—

(1) stop putting the interests of aliens who are unlawfully present in the United States ahead of the interests of aliens who are following proper immigration laws and procedures by adjudicating petitions and applications for immigration benefits submitted by aliens unlawfully present in the United States. When USCIS adjudicators and resources are used to adjudicate petitions and applications for aliens who are unlawfully present, the time it takes to process petitions and applications submitted by other aliens is significantly increased and a backlog is created. In addition, it is unfair to use the fees paid by other aliens to cover the costs of adjudicating petitions and applications for aliens unlawfully present in the United States; and

(2) use the funds available under existing law to improve services and increase the efficiency of the immigration benefits application process for aliens abroad or who are lawfully present in the United States.

This Act may be cited as the “Department of Homeland Security Appropriations Act, 2015”.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 4, 2015, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 4, at 10 a.m. in room SR-253 of the Russell Senate Office Building to conduct a hearing entitled, “Building a More Secure Cyber Future: Examining Private Sector Experience with NIST Framework.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 4, at 2:30 p.m. in room SR-253 of the Russell Senate Office Building to conduct a subcommittee hearing entitled, “The Impacts of Vessel Discharge Regulations on Our Shipping and Fishing Industries.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet for a joint hearing with the House Transportation and Infrastructure Committee during the session of the Senate on February 4, 2015 at 10 a.m., in room HVC-210 of the Capitol Visitor Center, to conduct a hearing entitled “Impacts of the Proposed Waters of the United States Rule on State and Local Governments.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 4, 2015, at 10 a.m., in room SD-215 Dirksen Senate Office Building, to conduct a hearing entitled, “The President’s Budget for Fiscal Year 2016.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 4, 2015, at 9:30 a.m., to conduct a hearing entitled “Ending Modern Slavery: What is the Best way Forward?”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 4, 2015, at 10 a.m., to conduct a hearing entitled “Deferred Action on Immigration: Implications and Unanswered Questions.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on February 4, 2015, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 4, 2015, at 2:00 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SPECIAL COMMITTEE ON AGING

Mr. CORNYN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on February 4, 2015, in room SD-562 of the Dirksen Senate Office Building at 2:30 p.m., to conduct a hearing entitled “Broken Trust: Combating Financial Exploitation of Vulnerable Seniors.”

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. ALEXANDER). The majority leader.

## CONGRATULATING THE NEW ENGLAND PATRIOTS ON THEIR VICTORY IN SUPER BOWL XLIX

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be discharged from consideration of S. Res. 63 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 63) congratulating the New England Patriots on their victory in Super Bowl XLIX.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 63) was agreed to.

The preamble was agreed to.  
(The resolution, with its preamble, is printed in the RECORD of February 3, 2015, under “Submitted Resolutions.”)

## AUTHORIZING USE OF THE CAPITOL ROTUNDA

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 12, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 12) authorizing the use of the rotunda of the United States Capitol for a ceremony to present the Congressional Gold Medal to Jack Nicklaus.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 12) was agreed to.

#### MEASURE READ THE FIRST TIME—H.R. 596

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 596) to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010, and for other purposes.

Mr. McCONNELL. I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

#### ORDERS FOR THURSDAY, FEBRUARY 5, 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m. on Thursday, February 5, 2015; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day. I further ask that following leader remarks, the Senate resume consideration of the motion to proceed to H.R. 240, with the time until 11:30 a.m. equally divided in the usual form, and that the mandatory quorum call with respect to the cloture vote and the motion to proceed to H.R. 240 be waived.

The PRESIDING OFFICER (Mr. LEE). Without objection, it is so ordered.

#### PROGRAM

Mr. McCONNELL. Mr. President, the cloture vote on the motion to proceed will occur at 11:30 a.m. tomorrow morning.

#### ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator STABENOW and Senator SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

#### DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. SESSIONS. Mr. President, we are in an odd world. Our Democratic colleagues continue to have the gall to suggest and state that the Republicans are blocking funding for homeland security in America when nothing could be further from the truth.

I guess they have gotten away with blaming Republicans for blocking things, so they just keep on saying it. But the House has fully funded all the legal policies and programs within Homeland Security, and they sent the bill over here.

What did they do? They simply said: You can't take money out of homeland security enforcement for immigration and border security, and spend it on activities that violate the law, that undermine immigration law, that in fact are contrary to immigration law—that the President has said he intends to do no matter what Congress does, no matter what the American people want. He says he is going to do it anyway. They simply say we are not going to fund that.

So it comes over to pass. It fully funds the Department of Homeland Security. It doesn't change any of the laws in Homeland Security—and they say this is being obstructed by the Republicans.

But look. What does the media say about it? How is it being reported?

Here is Politico: "Democrats filibuster Department of Homeland Security bill." That was yesterday. And that is exactly what is happening. They are filibustering the bill and saying Republicans are blocking it, when all that the Republicans are saying is: Let's get on the bill. We can't even get on the bill so amendments can be offered because they are filibustering the motion to proceed to the bill, blocking us even getting on the legislation so amendments can be offered.

If they are not happy with anything in the bill—the language the House put in or anything else—they can offer amendments to deal with it and strike it out.

That is what Politico said.

How about the New York Times. They are always favoring Democratic immigration policies. This is their headline: "Senate Democrats Block Republicans' Homeland Security Bill." Isn't that true? That is exactly true.

How about the Atlantic. I think this is almost amusing: "The New Democratic Obstructionists." That is the headline in their publication.

So I would push back at this. Are we through the looking glass? Are we down the rabbit hole into never-never land? Where are we?

My good friend Senator SCHUMER, one of our able advocates here—and I really admire him. But this is what he said earlier today:

The right wing of the Republican party is risking a D.H.S., a Department of Homeland

Security, shutdown to get their way on immigration.

This is how Senator SCHUMER framed it:

They're saying take our hard right stance on immigration or we won't fund national security.

He goes on to say:

We think the American people are on our side. We're willing to have that debate.

Well, why don't we have it? Why don't we bring the bill up and let's have the debate if he wants to offer amendments contrary to what the House did?

But remember, the House didn't do anything but say we are going to spend money on all the programs in Homeland Security. It didn't defund any of them. It didn't change any of those rules.

So, is it really true? Do only right-wing Republicans want to end the President's unlawful actions? No, no, no. That is not what the truth is.

Why don't I share with our colleagues here what many of our Democratic Senators have said about the President's unlawful action. Here is what the junior Senator from Indiana said:

It is clear the immigration system in this country is broken, and only Congress has the ability to change the law to fix it . . . I am as frustrated as anyone that Congress is not doing its job, but the President shouldn't make such significant policy changes on his own.

That was just November last year.

The senior Senator from Missouri said:

Our immigration system is broken, and I support a comprehensive plan to fix it, but executive orders aren't the way to do it.

The senior Senator from West Virginia:

I disagree with the President's decision to use executive action to make changes to our immigration system.

The junior Senator from North Dakota:

I'm disappointed the president decided to use executive action at this time on this issue. . . . It's Congress' job to pass legislation and deal with issues of this magnitude.

Isn't that true.

The junior Senator from Maine:

I also have constitutional concerns about where prosecutorial discretion ends and unconstitutional executive authority begins.

Well, I share that thought.

The junior Senator from Minnesota:

I have concerns about executive action. . . . This is a job for Congress.

The senior Senator from Virginia:

. . . the best way to get a comprehensive solution is to take this through the legislative process.

So are those right-wingers? Are those people who can't be trusted to put the public interest first? Are they exaggerating? Are they somehow all in error to question the power of the Presidency to execute this policy?

No, and I will cite one more national leader that is well known. I would cite President Obama himself, who on 20

different occasions said he did not have power to do what he now has done. So Congress is not passing any new law. Congress is not passing any new power. Congress is simply saying: Mr. President, you cannot create new laws and fund new programs that are contrary to existing law, in violation of existing law, and in violation of the wishes of the American people and the decided actions of Congress itself.

Remember all these ideas were presented to Congress, and Congress rejected them. They were elected to represent the people of the United States of America, and they rejected these policies. So why should Congress fund the President, who goes and does what they now reject?

Well, Senator SCHUMER says he believes the American people are on his side, or "our side," the obstructionist side, the side that is blocking Homeland Security.

Let's look at the polling data. This is a poll from Paragon Insights. The question to the American people was: Should you focus on bettering work situations for Americans? Should that be our focus and not immigration advancements or expansion. Among Democrats, 64 percent said yes. Among Independents, 75 percent said yes.

What about this: Do you believe providing amnesty encourages illegal immigration? Democrats, 63 percent. Is that part of the great rightwing conspiracy? How about Independents—68 percent; Republicans, 88 percent.

How about this: Do you believe illegal immigrants take jobs from vulnerable citizens? Democrats, 57 percent; Independents, 73 percent.

How about this one: Do you believe amnesty is disastrous and unconstitutional? Democrats, 53 percent; Independents, 70 percent.

How about the question that illegal immigrants take jobs from vulnerable citizens. What do Hispanics say about that? Mr. President, 65 percent of Hispanics agree with that.

What about the question that providing amnesty encourages illegal immigration? We all know that it does, and 63 percent of Hispanics agree with that. What about the question: Amnesty will hollow out the middle class. We had a lot of talk about what to do with the middle class. Ask the middle class what they think for a change. Will amnesty hollow out the middle class? Independents—not Republicans, not Democrats, not rightwingers—73 percent agree; 62 percent of Hispanics agree with that statement.

This idea somehow that the American people support blocking the Homeland Security bill to protect the President's unlawful Executive amnesty, that the American people support the Democrats in doing that is not true. The data shows that, and that is consistent with my understanding.

How about this question in a poll by Kellyanne Conway's polling company, a nationwide survey: "President Obama recently said that he may go

around Congress and take executive action on immigration policy." This was done back in August of last year. "Which do you support more: President Obama changing immigration policy on his own, or President Obama working with Congress to change immigration policy?" Well, 74 percent said he should work with Congress. Only 21 percent said he should do it on his own.

How about Independents? How about the Independents—not conservative rightwingers? What do they view as to whether the President should work with Congress and pass a law in the orderly business according to legitimate processes or do it on his own? Among Independents, 81 percent said he should work with Congress, and only 14 percent say he should do it on his own.

So this idea that somehow the American people are all in support of President Obama's outrageous actions, which he himself 20 times said he had no power to do but did anyway, is just false. It is not true, and it is not true the Republicans are blocking the Homeland Security bill, either. The Democrats are filibustering the bill, not allowing it to come to the floor so even an amendment can be voted on.

What do our colleagues do? They seem to think that if they say the Republicans are causing it to happen, then the media will accept it. But the media is not accepting this, and nobody is accepting this. And I hope the Democratic colleagues who openly question this policy will re-evaluate where they stand and think back.

Isn't this the thing to do? Let's move to the bill, and then we can debate all the language and all the issues that are relevant and see where we go from there—not just block the bill. So I would urge colleagues to think that through and change their view from what they have been doing, which is supporting unanimously a filibuster.

Now there is some simple Paragon Insights polling data. It asked a simple policy question without reference to Republicans and Democrats or President Obama. What did they find in their poll, by a 50-point measure?

The PRESIDING OFFICER (Mr. TILLIS). The Senator's time has expired.

Mr. SESSIONS. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I didn't know we had a time limit.

By a 50-point margin voters want to pass legislation making it harder to hire workers now illegally in the country—71 to 21. They want us to protect American workers, to make it harder for businesses to hire people unlawfully in the country. We are not doing any of that. The President has given an Executive order that provides 5 million people with work authorizations, Social Security cards, Social Security numbers, and the right to take any job in America when we have a shortage of jobs in America.

Female voters support this action by a 3-to-1 margin. Hispanic voters support the measure by a 19-point margin, 56 to 37 percent. I would say blue-collar voters, people who go to work every day, strongly oppose the President's action by more than a 3-to-1 margin. One in three Obama voters opposes his Executive action, overall.

We are not going to stop. President Obama does not have the authority to do this. It is a challenge institutionally to this body. No matter what you feel about amnesty or providing benefits for people here unlawfully, it is Congress's job, and we have to face up to it and wrestle with it.

Some say that if we don't approve it, then we are not facing up to it. I don't agree. I think it is worth discussing and voting on it. So far Congress has rejected the President's ideas of how it should be handled. I think they will continue to do so. The American people overwhelmingly want the Congress to defend their interests, to defend their right to work, to defend their declining wages, and to do something about the wages that are declining, to do something about the difficulty their children have in finding a decent job—even college graduates. We don't have a shortage of workers in this country; we have a shortage of jobs in this country. That is absolutely clear.

We can do this country a great service, and we can do the struggling, hurting middle-class workers a great service if we slow down a bit in this unlawful immigration flow. We have a generous lawful flow. Let's end the lawlessness and protect them, and maybe their wages will begin to rise, for a change, instead of falling, as they have done for a decade.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. President. First, let me say to my friend from Alabama, I couldn't agree more that we need to focus on jobs. There is no question about it.

I couldn't agree more that we need to have a legal immigration system that works and that protects Americans first, in terms of jobs, people who are here legally, whether it is those working in agriculture, whether it is those working in manufacturing or any other part of our economy. We can very quickly, if the new majority wants to, bring an immigration bill and address it. I think there are 68 of us, if I remember right, who voted for a pretty big bipartisan effort last year, a major effort to actually fix a very broken system. There were important protections in there for American workers. It is something that would have been incredibly important to get done and to put those prohibitions in. So this is not about that.

It is very simple. The majority could very quickly pass the funding for Homeland Security to keep us safe and

immediately go to the issue of immigration, and I would support it wholeheartedly, as would colleagues on this side of the aisle.

Here is what we don't support: holding the security of our country hostage while others debate policy, frankly, that was already agreed to by the majority of the Senate last year. Regardless of your feelings about the immigration policies, if you ask folks at this time, when terror threats are all around us, do they want games being played with the funding of our homeland security, the answer would be no—a resounding no.

So let's get on with the business in a bipartisan way of funding our national security effort, and then let's immediately go to a vigorous and important debate about immigration. I would agree that should be done as soon as possible.

Since the attacks of 9/11 in 2001, we have had a Department of Homeland Security that we organized and put together to play a critical role in protecting America against acts of terror. Make no mistake, as I said, we have terrorist threats all around us, yet, unfortunately, our Republican colleagues are willing to shut down our Homeland Security Department to make a political point.

Yesterday ISIS released a video showing the horrendous burning of a Jordanian pilot. It was unbelievable. But while that is happening, the Senate can't pass a Homeland Security funding bill. We need to pass a Homeland Security bill. Colleagues who are fighting about immigration are willing to shut down Homeland Security in order to make a point with the President.

This past weekend ISIS beheaded a Japanese contractor. Yet Republicans are willing to shut down Homeland Security to make a point. Last week at a hotel in Libya an American was killed in an attack by ISIS. Yet colleagues on the other side of the aisle are willing to shut down Homeland Security in order to make a political point. Last month 11 people were killed in a terrorist strike against America's oldest ally, France. Yet Republicans are willing to shut down Homeland Security.

In November, a Canadian soldier was killed in an attack near the Canadian Parliament, just 60 miles from the U.S. border. Michigan is on that northern border. Yet Republicans are willing to shut down Homeland Security. In fact, we heard Republicans in the House say it wouldn't be that big of a deal to shut down Homeland Security. Really? Anybody who reads the paper or watches the news can see what is happening every day around us, and Republicans in the House say it wouldn't be a problem to shut down Homeland Security? That is stunning.

Detroit, MI, has the busiest northern border crossing in the country. It is the busiest northern border crossing for commerce, products, and people. We rely on our Customs and Border Patrol

every single day. Customs and border security, airport security, and police and firefighters are on the frontlines every day protecting us. Let's not forget about the Coast Guard. All those folks are on the frontlines protecting our families in America. That is what we are debating.

Do we want to play games with that? Do we want to hold Homeland Security hostage because of a debate with the President on another issue or do we fund Homeland Security and then have that debate? We can do it immediately—the same day. We could fund Homeland Security and then the Republican leader could immediately call up any bill he wants on immigration and then have that debate. Unfortunately—with terrorist threats all around us—Republicans are willing to shut down Homeland Security.

Boko Haram is gaining strength in West Africa and hoping to inspire attacks against Americans. We know what they have done. Yet here we are debating whether Homeland Security is going to be shut down.

In the months to come, we will need all of the hard-working men and women who work in every part of that agency to be full speed so they can protect us. Unless Republican colleagues are willing to support a spending bill and get that done right away, we are going to see the Department of Homeland Security management and headquarters stop functioning. Some 30,000 employees will be furloughed. People will be asked to work without pay—talk about jobs for people.

In Detroit alone—and all over Michigan—we get firefighter grants. The budget has already started, and we have 150 firefighters in the city of Detroit alone whose ongoing funding has been stalled. We have firefighters all across Michigan. We have very important law enforcement grants all over Michigan that at the moment are on hold and can't go forward.

We are talking about disrupting programs used to detect weapons of mass destruction and the training of local law enforcement officers who are on the frontlines of our defense. This makes no sense.

It would be one thing if Republican colleagues were in the minority and they felt the only way we could have the debate they want to have is to tie the two together, but that is not the case. Republican colleagues are in the majority. We can pass Homeland Security together—100 to 0—and then get on to whatever immigration debate the majority wants to have or whatever else they would like to debate. We don't have to hold the Homeland Security funding hostage in order to do it.

This past August our Defense Secretary said of ISIS:

They are as sophisticated and well-funded as any group we have seen. They're beyond just a terrorist group.

When we think about it, we are talking about a well-funded terrorist group at the same time we are debating

whether to fund our Homeland Security agencies that keep us safe from ISIS and other terrorist threats.

I implore Republican colleagues to join with us, regardless of the passion on this other issue. We can debate it. It can be addressed.

There are Republican majorities in the House and Senate that can debate the President's actions or debate anything for that matter, but we can certainly debate immigration at any moment. We do not have to hold the funding for the national defense of our homeland hostage to do it.

I encourage my colleagues to get on to the business of passing the funding.

I thank the Presiding Officer.

#### ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m. tomorrow.

Thereupon, the Senate, at 6:06 p.m., adjourned until Thursday, February 5, 2015, at 10:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### THE JUDICIARY

WAVERLY D. CRENSHAW, JR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE, VICE WILLIAM JOSEPH HAYNES, JR., RETIRED.

LAWRENCE JOSEPH VILARDO, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK, VICE RICHARD J. ARCARA, RETIRED.

##### DEPARTMENT OF JUSTICE

EILEEN MAURA DECKER, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE ANDRE BIROTTI, JR., RESIGNED.

JOHN W. HUBER, OF UTAH, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS, VICE DAVID B. BARLOW, RESIGNED.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major general

BRIG. GEN. NINA M. ARMAGNO  
BRIG. GEN. JOHN D. BANSEMER  
BRIG. GEN. CASEY D. BLAKE  
BRIG. GEN. MICHAEL T. BREWER  
BRIG. GEN. ANTHONY J. COTTON  
BRIG. GEN. CLINTON E. CROSIER  
BRIG. GEN. THOMAS H. DEALE  
BRIG. GEN. TIMOTHY G. FAY  
BRIG. GEN. TIMOTHY S. GREEN  
BRIG. GEN. JOSEPH T. GUASTELLA, JR.  
BRIG. GEN. DAVID A. HARRIS  
BRIG. GEN. JAMES B. HECKER  
BRIG. GEN. SCOTT A. HOWELL  
BRIG. GEN. JAMES C. JOHNSON  
BRIG. GEN. MARK D. KELLY  
BRIG. GEN. MATTHEW H. MOLLOY  
BRIG. GEN. MICHAEL D. ROTHSTEIN  
BRIG. GEN. KEVIN B. SCHNEIDER  
BRIG. GEN. BARRE R. SEGUIN  
BRIG. GEN. THOMAS J. SHARPY  
BRIG. GEN. JAMES C. SLIFE  
BRIG. GEN. SCOTT F. SMITH  
BRIG. GEN. GIOVANNI K. TUCK  
BRIG. GEN. GLEN D. VANHERCK  
BRIG. GEN. JAMES C. VECHERY  
BRIG. GEN. SARAH E. ZABEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. RANDALL REED

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. CHRISTOPHER A. COFFELT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. JEFFREY A. KRUSE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203:

*To be major general*

BRIG. GEN. ABEL BARRIENTES  
BRIG. GEN. BRIAN E. DOMINGUEZ  
BRIG. GEN. JOHN C. FLOURNOY, JR.  
BRIG. GEN. KATHRYN J. JOHNSON  
BRIG. GEN. KENNETH D. LEWIS, JR.  
BRIG. GEN. MARK L. LOEBEN  
BRIG. GEN. VINCENT M. MANCUSO  
BRIG. GEN. RONALD B. MILLER  
BRIG. GEN. KAREN A. RIZZUTTI  
BRIG. GEN. RICHARD W. SCOBEE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be major general*

BRIG. GEN. RANDALL R. BALL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. DIXIE A. MORROW

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be major general*

BRIG. GEN. LEONARD W. ISABELLE, JR.  
BRIG. GEN. MICHAEL T. MCGUIRE  
BRIG. GEN. SAMI D. SAID

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be brigadier general*

COL. JAY N. SELANDERS

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be brigadier general*

COL. TODD M. AUDET

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. ARTHUR E. JACKMAN, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. VITO E. ADDABBO  
COL. THOMAS L. AYERS  
COL. MAUREEN G. BANAVIGE  
COL. DENNIS T. BEATTY  
COL. JAMES N. COOMBES II  
COL. CHRISTIAN G. FUNK  
COL. JAY S. GOLDSTEIN

COL. HUBERT C. HEGTVEDT  
COL. JOHN A. HICKOK  
COL. FARRIS C. HILL  
COL. JOHN M. HILLYER  
COL. CRAIG L. LAFAVE  
COL. PAMELA J. LINCOLN  
COL. LINDA M. MARSH  
COL. STEVEN R. ROSENMEIER  
COL. STAN A. SHELEY  
COL. PATRICK M. WADE  
COL. JOHN B. WILLIAMS

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be brigadier general*

COL. JOHNNY S. LIZAMA  
COL. THOMAS W. RYAN  
COL. SCOTT A. YOUNG

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. BRIAN J. MENNES

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

JEFFREY B. KRUTOY